

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION  
February 15, 2006**

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 a.m., February 15, 2006, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1, Andrew Kunasek, District 3, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Bruce White, County Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

Clem Ligocki, Maricopa County Department of Transportation, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Erica Vejrostek, Public Works Department, led the assemblage in the Pledge of Allegiance.

**JOHN KAITES RECOGNITION FOR SERVICE**

Chairman Stapley recognized John Kaite for his years of service as a member of the Board of Directors for the Industrial Development Authority of Maricopa County and asked him to step to the podium. (C1806034000) (ADM4500) (ADM650)

Tom Manos, acting executive director of the IDA, remarked that John Kaite had served as president of the IDA and had served on the IDA Board since 1999. He said there could be no other board that has run the gamut of change that the IDA Board experienced in these past years. He said, "When John took over as president, the IDA was spending a million dollars a year on legal expenses" and added, the Authority's financial advisor had quit, the Auditor had quit and the Authority was unable to even buy insurance for its directors. He continued. "All of that changed in about two or three months under John's leadership ...two or three somewhat painful months." In a short period of time the IDA became known as "the issuer of choice" in the State of Arizona. "People bring projects to the IDA because they know how efficiently the IDA procures the financing for their most important projects." He remarked that under Mr. Kaite's leadership 10,000 units of additional, affordable housing were financed and established in Maricopa County. The IDA has also granted 4,000 mortgages to first-time home buyers who earn 80% less than the median income. He concluded that this is an impact "that can hardly be rivaled by any other organization." He said that the IDA has generated funds that impact the community very positively and cited, as one example, a \$2 million grant to the Human Services Campus in one cash action. This was one of the major gifts that allowed the campus to move forward as quickly as it did.

Ernie Baird, past president of the IDA Board, said that John Kaite was a key element in turning the IDA Board "around" and he was proud to have served with him. He also thanked the Board of Supervisors for allowing Tom Manos to serve as their Executive Director, calling it a key decision in turning the board around. "It has been incredibly different to have somebody like him guiding us and helping us through this process."

Charlie Thompson, IDA board member, said "I was the chairman who fled after six years – because some things were not being done well and up to the standards that you, the County Board of Supervisors, would want." He called John Kaite a "hero" who was in a kind of political war and remarked that it had been a very tough war. He said his last year as president had been a real struggle to try to get the reforms that Mr. Kaite ultimately did get implemented. He added, "It took a lot of courage to do what he did."

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Allen McGuire, past IDA president, added his praise to the work that John Kaites did in reforming the IDA of Maricopa County. An effort that he said began more than ten years earlier. He thanked the Board of Supervisors for the support given throughout the process and the appointments made by the Board, which he said were critical. He stated, "The members of the Board of the Industrial Development Authority are now a distinguished group, the meetings are orderly, they are expeditious and we are the lender of choice of the State of Arizona." He added his thanks to David Smith for making Tom Manos available to their Board, "We cannot overstate Tom's role in institutionalizing professionalism in the IDA, and I thank all of you for allowing that to occur as well."

Tom Manos and Supervisor Kunasek presented Mr. Kaites with a plaque of appreciation for his work in the IDA of Maricopa County.

John Kaites said that the privilege of public service is an amazing privilege and one with a steep learning curve. He regarded himself as a change agent for the Authority and said it had proven to be much more difficult than he could have imagined. He added that it could not have been done without the support of all five members of the Board of Supervisors who stood with them and gave them the tools necessary to complete the turnaround so successfully. He added that Tom Manos was the key to taking the Authority into a position of accountability to the Board of Supervisors without putting any of the bonds at risk. He said that borrowing Tom Manos, the County's Chief Financial Officer, to be their executive director helped them institute the good policies of the County with regards to procurement, conflicts of interest and in avoiding those conflicts of interest. As a result, he reported that the IDA's legal fees are half of what they used to be, \$550,000 was saved in one year despite facing some extraordinary litigation. He said, "The courts came down on our side and the independent auditors came down on our side" to help us save that amount of taxpayer monies in one year. He added, "In this world it takes courage to make change and to reform an organization such as the Industrial Development Authority that does almost \$300 million a year in activity and has the kind of ability to change and shape the way this County deals with many of our unique challenges. All of you showed the courage to stand up and do exactly what needed to be done. I am honored to have been a servant of this County."

Each Supervisor remarked on the extraordinary debt of gratitude owed to John Kaites for his outstanding contribution to Maricopa County in setting the Industrial Development Authority's course back "on center" and encouraged him to accept the next "impossible job" the County offers him.

**JOY RICH RECOGNITION FOR LOCAL OFFICIAL OF THE YEAR AWARD**

Recognize Joy Rich, Assistant County Manager, as recipient of the Local Official of the Year Award presented to her by the National Association of Home Builders. (C4406015000) (ADM3400-001) (ADM650)

Chairman Stapley asked Mrs. Rich to come forward with her award and congratulated her on her outstanding work in earning it. Ms. Rich said that her relationship with the NAHB was as regulator and regulated but they had a common goals in wanting to see this Valley sustain a high quality of life and she felt their association had been very successful in working together to do that.

**CONVENE IN EXECUTIVE SESSION    WITHDRAWN**

Chairman Stapley called for addendum item A-2 to be moved forward. He indicated that the Board has discussed this matter and he did not feel it necessary to consult further with County Counsel on it in executive session and would withdraw the following item.

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Vote to convene in Executive Session to consider the following item:

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; CONTRACTS SUBJECT TO  
NEGOTIATION – ARS §38-431.03(A)(3) AND (A)(4) WITHDRAWN**

**Advice regarding legal issues and options concerning County Regional School District/Accommodations School funding, management and audit issues.**

Chris Keller, Chief Counsel, Civil Division  
Sandi Wilson, Deputy County Manager  
Bruce White, Deputy County Attorney  
Brian Hushek, Deputy Budget Director  
Dean Wolcott, Outside Counsel  
Tom Manos, Chief Financial Officer  
Ross Tate, Internal Auditor  
Tom Irvine, Outside Counsel  
Fred Rosenfeld, Outside Counsel  
LeeAnn Bohn, Budget Manager

Chairman Stapley withdrew the item for Executive Session as being unnecessary at this time. (Addendum item A-1)

**Actions by the Boards are inclusive of the “Item Summary,” “Additional Information” and  
“Budgetary Details” sections of the listed item.**

**INTERAGENCY AGREEMENT WITH COUNTY SCHOOL SUPERINTENDENT**

Item: Approve the interagency agreement between the County Manager and the County School Superintendent. (This is Addendum item A-2) (C20060302)

Supervisor Wilcox asked if it would be possible to get this signed by the end of this week.

Tom Irvine, outside counsel, replied that work was being done with Superintendent Dowling and he hoped this would be signed by the end of the week. He said this interagency agreement was the latest step in the Board's effort to deal with the Accommodation School District. He added that this agreement has been presented to Supt. Dowling but she has not yet signed it.

Chairman Stapley said that rather than wait several more weeks for the next regular meeting, the Board has been advised to approve this today and continue to request the Superintendent of Schools to sign it.

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the interagency agreement between the County Manager and the County School Superintendent.

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Stapley called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications, “a” through “e”, and the continuation of item “f” to March 1:

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- a. Application filed by Patrick Michael Gallagher for an Original Series 10 Liquor License (LL6175):

Business Name: Butcher and Farmer's Market  
Location: 14820 N. Del Webb Boulevard, Sun City, 85351

- b. Application filed by Richard Henry LaPorte for an Original Series 10 Liquor License (LL6176):

Business Name: Liar's Korner  
Location: 9529 E. Apache Trail, Mesa, 85207

- c. Application filed by Mark Andrew Feyereisen for an Original Series 12 Liquor License (LL6177):

Business Name: Rosati's Pizza  
Location: 3668 W. Anthem Way, Suite A114, Anthem, 85086

- d. Application filed by Paul Brent Newport for an Original Series 10 Liquor License (LL6178):

Business Name: Tonopah Travel Center  
Location: 1010 N. 339<sup>th</sup> Avenue, Tonopah, 85354

- e. Applications filed by Guy B. Sromek for Agent Changes, Series 7 Liquor Licenses, Previous Agent is Francis Armand Foskett:

Business Name: Bell Lanes (MCLL001)  
Location: 16820 N. 99<sup>th</sup> Avenue, Sun City, 85351

Business Name: Lakeview Lanes/Viewpoint Café (MCLL002)  
Location: 10502 Thunderbird Boulevard, Sun City, 85351

Business Name: South Snack Shop (MCLL003)  
Location: 11000 N. 103<sup>rd</sup> Avenue, Sun City, 85351

Business Name: Lakes East/West Snack Shop (MCLL004)  
Location: 10433 Talisman Road, Sun City, 85351

Business Name: Riverview Snack Shop (MCLL005)  
Location: 16401 N. Del Webb Boulevard, Sun City, 85351

Business Name: North Snack Shop (MCLL006)  
Location: 12650 N. 107<sup>th</sup> Avenue, Sun City, 85351

Business Name: Willow Brook/Creek Snack Shop (MCLL007)  
Location: 10600 Boswell Boulevard, Sun City, 85351

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- f. Application filed by Laurita Richelle Foster for an Agent Change, Series 14 Liquor License (MCLL008): **CONTINUED**

Business Name: Rio Verde Country Club  
Location: 18731 E. Four Peaks Boulevard, Rio Verde, 85263  
Previous Agent: Daniel Ronald Kraatz

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

**ROAD DECLARED (ROAD FILE NO. A174)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C6406156B00)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 18<sup>th</sup> day of January 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 130 foot roadway, together with all appurtenances, known as Needle Rock Road that is contained within Sections Seventeen (17), Eighteen (18), Nineteen (19), Thirty (30), Township 5 North, Range 7 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 65 feet, on each side of the following described centerline.

COMMENCING, at Southwest, corner of said Section 30, Township 5 North, Range 6 East, Thence, North 89°53'19"East, a distance of 2640.29 feet, to the South-quarter corner (S1/4) of said Section 30; Thence South 86°48'51" East, a distance of 646.29 feet, to the INTERSECTION OF RIO VERDE ROAD and NEEDLE ROCK ROAD and the True Point of Beginning of the herein described said centerline;

Thence, North 00°13'28" West, a distance of 625.18 feet, to the INTERSECTION OF BOX BAR ROAD and NEEDLE ROCK ROAD;

Thence, North 00°00'00" East, a distance of 1193.88 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;

Thence, 123.49 feet, along said curve through a central angle of 43°07'58";

Thence, North 43°07'58" West, a distance of 448.54 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;

Thence, 25.29 feet, along said curve through a central angle of 08°49'57";

Thence, North 51°57'55" West, a distance of 113.01 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;

Thence, 184.98 feet, along said curve through a central angle of 64°36'40";

Thence, North 12°39'41"East, a distance of 2.81 feet, to the Beginning of a Tangent Curve to the left, having a radius of 426.50 feet;

Thence, 207.18 feet, along said curve through a central angle of 27°49'58";

Thence, North 15°11'14" West, a distance of 62.77 feet, to the Beginning of a Tangent Curve to the right, having a radius of 426.50 feet;

Thence, 178.12 feet, along said curve through a central angle of 23°55'43";

Thence, North 08°44'29"East, a distance of 43.49 feet to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;

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Thence, 53.12 feet, along said curve through a central angle of 18°33'19";  
 Thence, North 09°48'50" West, a distance of 110.39 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
 Thence, 50.46 feet, along said curve through a central angle of 17°37'30";  
 Thence, North 07°48'40" East, a distance of 106.07 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
 Thence, 36.79 feet, along said curve through a central angle of 12°51'02";  
 Thence, North 05°02'23" West, a distance of 57.07 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
 Thence, 27.21 feet, along said curve through a central angle of 09°30'16";  
 Thence, North 04°27'53" East, a distance of 148.42 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
 Thence, 146.21 feet, along said curve through a central angle of 51°04'00";  
 Thence, North 46°36'08" West, a distance of 205.43 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
 Thence, 80.25 feet, along said curve through a central angle of 28°01'41";  
 Thence, North 74°37'49" West, a distance of 169.71 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
 Thence, 79.14 feet, along said curve through a central angle of 27°38'28";  
 Thence, South 77°43'43" West, a distance of 75.13 feet, to the Beginning of a Tangent Curve to the right, having a radius of 98.42 feet;  
 Thence, 154.57 feet, along said curve through a central angle of 89°58'58";  
 Thence, North 12°17'19" West a distance of 136.27 feet, to the Beginning of a Tangent Curve to the right, having a radius of 262.46 feet;  
 Thence, 100.33 feet, along said curve through a central angle of 21°54'11";  
 Thence, North 09°36'52" East, a distance of 101.98 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
 Thence, 32.38 feet, along said curve through a central angle of 11°18'38";  
 Thence, North 01°41'46" West, a distance of 264.51 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
 Thence, 272.26 feet, along said curve through a central angle of 95°05'47";  
 Thence, South 83°12'26" West, a distance of 14.04 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
 Thence, 49.26 feet, along said curve through a central angle of 17°12'22";  
 Thence, North 79°35'12" West, a distance of 87.10 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
 Thence, 60.71 feet, along said curve through a central angle of 21°12'13";  
 Thence, South 79°12'35" West, a distance of 100.14 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
 Thence, 94.79 feet, along said curve through a central angle of 33°06'27";  
 Thence, North 67°40'57" West, a distance of 132.76 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
 Thence, 50.55 feet, along said curve through a central angle of 17°39'21";  
 Thence, North 50°01'36" West, a distance of 71.15 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
 Thence, 68.40 feet, along said curve through a central angle of 23°53'28";  
 Thence, North 73°55'04" West, a distance of 88.77 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
 Thence, 54.18 feet, along said curve through a central angle of 18°55'30";

Thence, North 54°59'34" West, a distance of 139.25 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
Thence, 34.66 feet, along said curve through a central angle of 12°06'18";  
Thence, North 67°05'53" West, a distance of 167.94 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
Thence, 70.01 feet, along said curve through a central angle of 24°27'16";  
Thence, North 42°38'37" West, a distance of 218.24 feet, to the Beginning of a Tangent Curve to the right, having a radius of 262.46 feet;  
Thence, 24.43 feet, along said curve through a central angle of 05°20'02";  
Thence, North 37°18'35" West, a distance of 289.46 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
Thence, 247.94 feet, along said curve through a central angle of 86°36'03";  
Thence, North 49°17'28" East, a distance of 662.62 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
Thence, 66.84 feet, along said curve through a central angle of 23°20'44";  
Thence, North 72°38'13" East, a distance of 528.60 feet, to the Beginning of a Tangent Curve to the left, having a radius of 426.50 feet;  
Thence, 121.64 feet, along said curve through a central angle of 16°20'30";  
Thence, North 56°17'43" East, a distance of 154.10 feet, to the Beginning of a Tangent Curve to the right, having a radius of 262.46 feet;  
Thence, 142.36 feet, along said curve through a central angle of 31°04'37";  
Thence, North 87°22'20" East, a distance of 150.90 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
Thence, 196.54 feet, along said curve through a central angle of 68°38'55";  
Thence, North 18°43'25" East, a distance of 241.62 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
Thence, 53.38 feet, along said curve through a central angle of 18°38'46";  
Thence, North 37°22'11" East, a distance of 241.45 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
Thence, 17.08 feet, along said curve through a central angle of 05°58'01";  
Thence, North 31°24'10" East, a distance of 412.74 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
Thence, 10.93 feet, along said curve through a central angle of 03°49'03";  
Thence, North 35°13'13" East, a distance of 479.82 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
Thence, 23.52 feet, along said curve through a central angle of 08°12'56";  
Thence, North 43°26'09" East, a distance of 97.88 feet, to the Beginning of a Tangent Curve to the left, having a radius of 164.04 feet;  
Thence, 44.61 feet, along said curve through a central angle of 15°34'55";  
Thence, North 27°51'14" East, a distance of 751.58 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
Thence, 13.28 feet, along said curve through a central angle of 04°38'21";  
Thence, North 32°29'35" East, a distance of 391.50 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
Thence, 10.96 feet, along said curve through a central angle of 03°49'45";  
Thence, North 36°19'19" East, a distance of 524.62 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
Thence, 13.39 feet, along said curve through a central angle of 04°40'33";  
Thence, North 40°59'52" East, a distance of 578.52 feet, to the Beginning of a Tangent Curve to the right, having a radius of 426.50 feet;

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Thence, 144.49 feet, along said curve through a central angle of 19°24'38";  
Thence, North 60°24'30" East, a distance of 115.81 feet, to the Beginning of a Tangent Curve to the left, having a radius of 426.50 feet;  
Thence, 217.13 feet, along said curve through a central angle of 29°10'09";  
Thence, North 31°14'21" East, a distance of 254.19 feet, to the Beginning of a Tangent Curve to the right, having a radius of 164.04 feet;  
Thence, 27.52 feet, along said curve through a central angle of 09°36'43";  
Thence, North 40°51'04" East, a distance of 119.95 feet;  
Thence, North 39°09'33" East, a distance of 126.28 feet;  
Thence, North 41°33'08" East, a distance of 81.97 feet;  
Thence, North 39°56'09" East, a distance of 75.28 feet;  
Thence, North 33°27'56" East, a distance of 170.94 feet ;  
Thence, North 45°16'32" East, a distance of 105.08 feet;  
Thence, North 54°13'53" East, a distance of 162.65 feet, to the Point of Terminus of herein described Centerline.  
(Said roadway also know as Needle Rock Road from Box Bar Road to end of maintenance)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 15<sup>th</sup> day of February 2006.

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**ROAD DECLARED (ROAD FILE NO. A173)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C6406157000)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 18<sup>th</sup> day of January 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 130 foot roadway, together with all appurtenances, known as Box Bar Road that is contained within Section Thirty (30), Township 5 North, Range 7 East Gila and Salt River Base & Meridian, Maricopa County, Arizona, said roadway being 65 feet on each side of the following described centerline;

COMMENCING, at Southeast corner of Section 25, Township 5 North, Range 6 East;  
Thence, North 89°53'19" East, a distance of 2640.24 feet to the South one-quarter (1/4) corner of said Section 30;  
Thence, South 86°48'51" East, a distance of 646.29 feet to the intersection of RIO VERDE ROAD and NEEDLE ROCK ROAD;  
Thence, North 00°13'29" West, a distance of 625.14 feet to the intersection of BOX BAR ROAD and NEEDLE ROCK ROAD, to the True Point of Beginning of the herein described centerline;  
Thence, South 89°35'52" East, a distance of 212.94 feet to a Point of Curvature;  
Thence, along a tangent curve to the left, having radius of 574.14 feet and an arc length of 41.88 feet, through a central angle of 04°10'47";  
Thence, North 86°13'21" East, a distance of 978.66 feet to a Point of Curvature;  
Thence, along a tangent curve to the right having a radius of 541.33 feet and an arc length of 571.77 feet through a central angle of 60°31'02";  
Thence, South 33°15'37" East, a distance of 116.03 feet to a Point of Curvature;  
Thence, along a tangent curve to the right, having a radius of 262.46 feet and an arc length of 11.11 feet, through a central angle of 17°30'36", to the Point of Terminus of herein described Centerline, on the line between Corners 2 and 3 of Homestead entry Survey No. 512.

(Said roadway also known as Box Bar Road, from Needle Rock Road to Rio Verde Drive)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the

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survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 15<sup>th</sup> day of February 2006.

**PUBLIC HEARING – MARICOPA COUNTY NOISE ORDINANCE P-23**

Chairman Stapley called for a public hearing to solicit comments and consider the Maricopa County Noise Ordinance for the unincorporated areas of Maricopa County. Noise at certain levels is detrimental to the health and welfare of Maricopa County citizens. Therefore, Maricopa County has determined that it is in the best interest of its citizens to control noise in a manner that promotes commerce; the use, value, and enjoyment of property; sleep and repose; and environmental quality. This noise ordinance is applicable to a variety of noise sources in unincorporated areas of Maricopa County.

Joy Rich outlined the basics and areas of special interest in this noise ordinance and said it is predicated on people being able to enjoy their property. She said the standard for noise, "is if it can be heard within an enclosed residence within 500 feet of the noise, then it is considered a disturbance of the public peace." She said that the ordinance, if approved, could be amended at a public hearing at any future date. She added that several residents are complaining about noisy mining operations in the area but those are covered by a separate ordinance and are not included in this one.

Supervisor Wilcox raised questions regarding animals that people keep at some rural residences that are not farms and so are not farm animals. Following discussion, it was agreed that additional research was needed on animal noise and this portion of the ordinance will be held in reserve and brought back to the Board when the question has been studied and resolved.

Lyle Tuttle, citizen, supports the ordinance but asked about areas where properties are grandfathered in and said that additional discussion should be directed to some industries that are grandfathered and producing loud industrial noises.

Shirley McDonald, citizen, also in support, asked about grandfathered mining industries, specifically newer mining operations that have now located close to residences. She said they don't only annoy with noise but with air pollution and light pollution.

Supervisor Wilson sympathized with those having complaints on noise but said this ordinance was only a beginning from which modifications could be made later.

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No protests having been received and no more speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Ordinance P-23 as given below. (C4406013000) (ADM131)

**P-23 Maricopa County Noise Ordinance  
Adopted: February 15, 2006**

**MARICOPA COUNTY NOISE ORDINANCE P-23**

**I. Purpose**

At and above certain levels, noise is detrimental to the health and welfare of Maricopa County citizens. Therefore, Maricopa County has determined that it is in the best interest of its citizens to control noise in a manner which promotes commerce; the use, value, and enjoyment of property; sleep and repose; and environmental quality. Therefore, it is hereby declared to be the policy of Maricopa County to prohibit excessive, unnecessary, disruptive, and annoying noises from all sources.

**II. Applicability**

In the absence of an intergovernmental agreement, this ordinance shall not apply to any incorporated city or town, or any Indian reservation, and shall apply only to unincorporated areas of Maricopa County.

**III. Definitions**

- A. **Administrator:** Means the Maricopa County Board of Supervisors or their authorized representative from a Maricopa County department, including the Maricopa County Sheriff.
- B. **Cut-Out / Bypass / Muffler Elimination System:** Means any device used on a motor vehicle to avoid or circumvent the muffler system, or which increases or amplifies noise made by a motor vehicle.
- C. **Emergency Vehicles:** Means vehicles of the fire, police, and public service departments and legally authorized ambulances and emergency vehicles of state departments and any political subdivisions thereof, and vehicles of public service corporations.
- D. **Emergency Work:** Means work required to restore property or infrastructure to a safe condition following a natural or human caused disaster, work required to protect persons or property from an imminent exposure to danger, or work by public or private utilities for providing or restoring immediately necessary utility services.
- E. **Noise:** Means a sound emitted from any and all sources and is typically characterized by intensity, duration, and kind.
- F. **Motor Vehicle:** Means any vehicle which is self-propelled and is used primarily for transporting people or property.
- G. **Muffler:** Means the part of the exhaust system of a motor vehicle that is intended to reduce noise.
- H. **Person:** Means any individual, firm, association, partnership, corporation or any other public or private entity.
- I. **Planned Activity:** Means any lawful event occurring on a periodic basis at a venue where people assemble, and that is anticipated and lawfully allowed to occur on a periodic basis.
- J. **Property:** Means something that is owned or possessed by a person, or something to which a person has legal title.

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**IV. Noise**

**A. Motor Vehicles**

1. It is unlawful for any person to operate any motor vehicle that is not equipped with a muffler in good working order and in constant operation to prevent excessive noise.
2. It is unlawful for any person to operate a motor vehicle equipped with a cut-out, by-pass, or similar muffler elimination unit, or to operate a motor vehicle with devices that amplify motor noise or motor vehicle exhaust noise.
3. It is unlawful for any person to sound a horn, signal, or noise device on any motor vehicle for any purpose other than those allowed by state law.
4. It is unlawful for any person to operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching, or other such sound from the tires in contact with the ground because of rapid acceleration, excessive speed, or other such reasons. Sounds resulting from emergency deceleration braking to avoid danger shall be exempt from this section.
5. It is unlawful for any person to cause the excessive revving of any motor vehicle engine while such vehicle is not in motion, except when done during the repair or testing of such vehicle between the hours of 7:00 a.m. and 8:00 p.m. provided the following conditions are met:
  - a. The motor vehicle engine is equipped with a muffler in proper working order and in constant operation.
  - b. The motor vehicle engine is not equipped with a cut-out, by-pass, or similar muffler elimination unit.
  - c. The motor vehicle engine is not equipped with any device that amplifies motor noise or motor vehicle exhaust noise.

**B. Animals [RESERVED]**

**C. Radios and Sound Amplification Devices**

It shall be unlawful for any person to operate any radio, loudspeaker, musical instrument, or other sound producing, sound reproducing, or sound amplification equipment which emits noise that can be heard from within closed residential structures located within 500 feet of the boundary of the property from which such noise emanates.

**V. Public Disturbances**

- A. It shall be unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, any noise which disturbs the peace or quiet of any neighborhood if such noise can be heard from within closed residential structures located within 500 feet of the boundary of the property from which such noise emanates. This subsection shall not apply to noise produced in the normal conduct of business provided that such noise occurs within the normal and customary hours for the conduct of such

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business, which is based on the normal and customary hours of operation of similar, existing businesses, and the operation is legally conducted within the scope of all ordinances, laws, and statutes of Maricopa County and the State of Arizona.

- B. It shall be unlawful for any person in or upon a public street, alley, or public place within unincorporated Maricopa County to make any loud or offensive noise, to speak in a loud tone, or to scream or shout in a manner that disturbs the peace and quiet of people living in the vicinity thereof.

## **VI. Exemptions**

- A. The following noises shall be exempt from the provisions in this article:
1. Noise originating from aircraft in flight and sounds that originate at airports and are directly related to flight operations.
  2. Noise emanating from emergency vehicles.
  3. Non-amplified, customary noise emanating from public and private nurseries, daycare facilities, schools, and colleges.
  4. Noise emanating from mechanical devices associated with heating and cooling equipment and pool pumps when functioning in accordance with manufacturer's specifications and is in proper operating condition, and that no units emit noise that can be heard from within closed residential structures located within 500 feet of the boundary of the property from which such noise emanates. Customary noise associated with property maintenance, provided that such maintenance occurs between the hours of 5:00 a.m. and 9:00 p.m., and with all manufacturers' mufflers and noise-reducing equipment in use and in proper operating condition.
  5. Non-amplified crowd noise resulting from planned activities.
  6. Noise emanating from watercraft.
  7. Noise emanating from alarms and other warning devices not operated continuously for more than thirty minutes per incident.
  8. Noise emanating from the discharge of weapons for lawful purposes.
  9. Noise emanating from construction and repair equipment when used in compliance with existing Maricopa County rules and regulations.
  10. Noise created by lawful pickets, marches, parades, rallies and other public events.
  11. Noise created by bells or chimes not operating for more than three minutes in any one hour and if operated between the hours of 7:00 a.m. and 9:00 p.m.
  12. Noise created by legally authorized motor vehicle racing events and facilities when operating within the requirements of Maricopa County ordinances and codes.
  13. Noise emanating from trains and associated repair and maintenance equipment.
  14. Noise emanating from power plant equipment during normal operations.
  15. Noise emanating from safety signals and warning devices.
  16. Noise emanating from agricultural equipment when used in connection with farming operations.
  17. Noise created by emergency equipment and emergency work in the interest of law enforcement or in the protection of community health, safety, or welfare.
  18. Customary noise emanating from designated parks and playgrounds.

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## VII. Administration & Enforcement

The administrator and the administrator's designee are authorized and directed to administer and enforce all provisions of this chapter. Upon request of the administrator, all other Maricopa County departments and divisions may assist in enforcement of this code.

## VIII. Penalty

- A. Any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof is punishable by a fine not to exceed three hundred dollars (\$300) for the first offense, five hundred dollars (\$500) for the second offense, and seven hundred fifty dollars (\$750) for the third and all subsequent offenses. Each day a violation continues or exists shall be a separate offense subject to punishment as a separate misdemeanor. Provisions of this ordinance shall be enforced through the Maricopa County Justice Courts.
- B. The administrator is authorized to provide violators with a written warning that the offending noise must cease within a specified period of time. If the offending noise does not cease within the administrator's identified timeframe, the person in violation of this ordinance shall be guilty of a misdemeanor and be subject to the penalties identified in this Chapter.

## IX. Recovery of Abatement Costs

In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate a chronic noise nuisance, the expense shall be a special assessment against the property upon which the chronic noise existed and be collected pursuant to existing county regulations and laws.

### P-23 Maricopa County Noise Ordinance Adopted: February 15, 2006

### FEATURED ITEM

*"Maricopa County providing regional leadership . . ."*

### OLD US-80 BRIDGE AT GILA RIVER HISTORIC BRIDGE REHABILITATION PROJECT

**Item Summary.** Approve a contract for the preparation of a design concept report for Old US-80 Bridge at Gila River, Historic Bridge Rehabilitation, in a lump sum fee amount not-to-exceed \$597,205.18.

**Additional Information.** Consultant Services Contract No. 2005-056 with Transystems Corporation will be completed in 230 calendar days from the notice-to-proceed.

**Budgetary Details.** Approve an expenditure increase of \$175,000 to Year 1 for project T188, Old US-80 Bridge at Gila River, Historic Bridge Rehabilitation, Transportation Department (640) Capital Improvement Projects Fund (234). Approve an expenditure decrease of \$175,000 to Project T180, Cotton Lane Bridge at Gila River, Year 1, Transportation Department (640), Capital Improvement Projects Fund (234). The countywide impact will be zero. (C6406169500)

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Mike Ellegood, Director of the Department of Public and Transportation Director, said this was an opportunity to restore an historic bridge over the Gila River. It is one of only two remaining steel vehicular bridges in the State of Arizona and is in the National Register. The bridge was built in the 1920s and Maricopa County acquired it in 1956. The nine-span bridge is 1,640 long and only 18 feet wide. He said it took a little over two years to build and cost \$320,000 but would cost \$35 million to replace it today. It still sports the original silver paint, which unfortunately is lead based and now presents an environmental hazard. A key issue is how to remove the paint without doing further environmental damage. He indicated that the area would acquire new residents and this bridge was a vital transportation pathway in the area.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a contract for a design concept report on the Old US-80 Bridge at the Gila River as presented above.

**WATER DELIVERY DISTRICT BOUNDARY CHANGE**

**Item Summary.** Pursuant to A.R.S. §48-3427, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the application for a boundary change as submitted by the Trustees of the Rancho Jardines Irrigation and Water Delivery District No. 34.

**Additional Information.** The boundary change will add 6.035 acres of land to the district for the delivery of irrigation water to the proposed area. The Boundary Change Application and Impact Statement are on file in the Clerk of the Board's office. (C0606032700) (ADM4369)

**FUNDS FOR STOP VIOLENCE AGAINST WOMEN GRANT PROGRAM**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve receipt of additional grant funds for the STOP Violence Against Women Grant Program.

- a. The grant renewal, in the amount of \$45,833 from the Governor's Office for Children, Youth and Families, requires a match of \$15,278. The renewal contract ST-WSG-04-6031/004Y2 shall be in force for the period of February 1, 2006 to December 31, 2006 (ending six months into FY 2006-07 rather than seven months, as had been originally estimated). The Maricopa County Department of Finance has calculated the Maricopa County Attorney's Office composite indirect cost rate at 16.2%. The grantor will allow a recoverable indirect cost rate of 5.0%. Indirect costs for the award are estimated to be \$7,425. The allowable recoverable indirect costs are estimated to be \$2,183 and unrecoverable indirect costs are estimated to be \$5,242. (C1905023301)
- b. The grant renewal, in the amount of \$130,337 from the Governor's Office for Children, Youth and Families, requires a match of \$43,446. The renewal contract ST-WSG-04-6031/005Y2 shall be in force for the period of February 1, 2006 to December 31, 2006 (ending six months into FY 2006-07 rather than seven months, as had been originally estimated). The Maricopa County Department of Finance has calculated the Maricopa County Attorney's Office composite indirect cost rate at 16.2%. The grantor will allow a recoverable indirect cost rate of 5.0%. Indirect costs for the award are estimated to be \$21,115. The allowable recoverable indirect costs are estimated to be \$6,206 and unrecoverable indirect costs are estimated to be \$14,909. (C1905024301)

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**Additional Information.** By approving these agenda items, the Board of Supervisors will be authorizing the acceptance of grant funding for eleven months rather than the twelve months projected by the County Attorney's Office in the FY 2005-06 base budget request. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law.

**Budgetary Details.** The funding for these grants is included in the FY 2005-06 budget. Therefore, no budget amendment for the County Attorney (190) Grant Fund (219) is authorized. Approval of these actions does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

#### **DONATION OF COMPUTERS TO PALOMINO ELEMENTARY SCHOOL**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) on a roll call vote, with Supervisors Brock, Kunasek, Wilson, Wilcox and Stapley voting "aye", to approve the donation of 20 computers to Palomino Elementary School and authorize the execution of any necessary conveyance documents. THIS ACTION REQUIRES A UNANIMOUS ROLL CALL VOTE OF THE BOARD OF SUPERVISORS.

**Additional Information.** The computers are surplus computers previously utilized by the County Attorney's office, which have been replaced by newer models. These computers were purchased through the Technology Leasing Program and the loans were fully paid on January 16, 2006. The computers will be used for computer classes for parents and other community outreach. The data on the computers has been removed in accordance with county standards for PC disposal. (C1906027M00) (ADM119)

#### **VEHICLE EXEMPTION**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following vehicles, which will be used for investigative activity, to be exempt from county markings and issued regular Arizona license plates.

- a. Vehicle No. 72601, a 2006 Chevy Trailblazer, procured through the standard vehicle replacement procedures and replacing a vehicle that also had an undercover plate. (C1906029M00) (ADM3101V)
- b. Vehicle No. 76601, a 2006 GMC Envoy, purchased with RICO funds and replacing a RICO vehicle with an undercover plate. (C1906030000) (ADM3101V)

#### **TEMPORARY ADDITION TO FLEET – UTILITY VEHICLE**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a one-time addition to the fleet of a John Deere Gator HPX 4X4 motorized utility vehicle to be used in association with the Urban Area Security Initiative.

**Additional Information.** On March 23, 2005, the Board of Supervisors approved an intergovernmental agreement between the City of Phoenix and the Maricopa County Sheriff's Office for funding from the 2004 Urban Area Security Initiative to purchase equipment for the Rapid Response Team. This motorized cart-style vehicle, Serial No. M0HP4GX034379, is part of that initiative.

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**Budgetary Details.** Grant funds were used to purchase this vehicle (\$8,853.51). The General Fund (100) will fund continuing costs estimated to be \$325 for FY 2005-06, and \$680 annually. This is a one-time addition to fleet that will be retired at the end of its useful life with no funding from the general fund for its replacement. (C5005536304) (ADM3104)

#### **RECONCILIATION APPROPRIATION INCREASE**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a mid-year reconciliation appropriation increase in revenue and expenditure to the Sheriff's Office FY 2005-06 Grant Fund (251) in the amount of \$1,547,887.

**Additional Information.** The FY 2005-06 adopted budgets for the Sheriff's Office Grants funds were based on estimates from January 2005. An FY 2005-06 mid-year reconciliation of actual awards compared with budgeted amounts and new grant award amounts, indicates the need to increase the FY 2005-06 expenditure authority for the Sheriff's Office Grant Fund. Grant awards and applications have been and will continue to be processed and approved by the Board of Supervisors according to county policy. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

**Budgetary Details.** The Sheriff's Office Grant Fund FY 2005-06 appropriations for revenue and expenditure was \$4,739,549. An appropriation adjustment of \$1,547,887 is required to reconcile the projected variance in revenue and expenditure. If approved, the new Sheriff's Grant Fund (251) appropriation for revenue and expenditures will be \$6,287,436. (C5006041800) (ADM3900-003)

#### **TEMPORARY ADDITION TO FLEET AND VEHICLE EXEMPTION – PICKUP TRUCK**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a one-time addition to fleet of a 2000 Ford pickup truck and exemption from governmental markings, including non-governmental license plates, pursuant to A.R.S. §38-538.03. This vehicle will be used for undercover operations conducted by the Special Investigations Division.

**Additional Information.** This vehicle, seized under DR 04-040569 and forfeited through the County Attorney's Office under asset forfeiture #04050045 as stated in court order CV# 2004-010804, is now Sheriff's Office property. The estimated value of this vehicle is \$18,945. Confidential vehicle information is on file in the Clerk of the Board's office.

**Budgetary Details.** Sheriff RICO funds will support its operation, maintenance and fuel costs which are estimated to be \$4,000 annually. No vehicle replacement cost is associated with this temporary addition to fleet, which will automatically be removed from the Maricopa County Sheriff Office fleet when it is no longer useful. (C5006042M00) (ADM3101V)

#### **TEMPORARY ADDITION TO FLEET AND VEHICLE EXEMPTION – SPORT UTILITY VEHICLE**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a one-time addition to fleet of a 2001 GMC Sport Utility Vehicle for use in the Tactical Operations Unit, Explosives Ordinance Division and exemption from markings and

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non-governmental license plates pursuant to A.R.S. §38-538.03. This vehicle will be used in undercover operations.

**Additional Information.** This vehicle is valued at \$20,619 and was purchased with RICO funds. Confidential vehicle information is on file in the Clerk of the Board's office.

**Budgetary Details.** RICO funds will support its operation, maintenance and fuel costs. Estimated fuel and maintenance is \$6,000 per year. No vehicle replacement cost is associated with this vehicle since it is a one-time addition to the fleet and will automatically be removed when its useful life has expired with no funding from the general fund for its replacement. (C5006043M00) (ADM3101V)

**EXTENDED WAIVER TO EMPLOYEE LEAVE PLAN**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an extended waiver to the Maricopa County Employee Leave Plan V & VI, for Deputy Harold Argetsinger and authorize payment of normal base salary and benefits for the duration of up to one year or return to full duty, unless re-authorized, this waiver shall expire one year from January 21, 2006.

**Additional Information.** This employee was seriously injured as a result of an "Act of Violence" through no fault or negligence of his own, while on duty serving a high-risk search warrant at the residence of a homicide suspect. Deputy Argetsinger was shot in the right hand by an occupant with a 9mm handgun on December 16, 2004. Due to complications resulting from surgery performed on his right hand, he is unable to return to duty and is awaiting further surgical procedures. (C5006044M00) (ADM3320-001)

**REVENUE AND EXPENDITURE INCREASE TO THE SHERIFF RICO FUND**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an FY 2005-06 revenue and expenditure increase of \$505,000 to the Sheriff RICO Fund (212). (ADM3900-003)

**Additional Information.** The receipt by the Sheriff's Office of RICO funding is not considered local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5006045800)

**GRANT FOR SCANNER AND TRANSITIONAL INSTRUCTIONAL MATERIALS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve acceptance of \$10,000 in grant funding to be utilized for the purchase of a scanner and transitional instructional materials designated for student use.

**Additional Information.** This funding is from the Arizona Department of Education for the 2006 IDEA Secure Care Grant. The term of this award is October 1, 2005 through September 30, 2006.

**Budgetary Details.** The Sheriff's Office indirect cost rate for FY 2005-06 is 17.2%. Total indirect costs are \$1,638. There is a 5% cap on allowable indirect costs. Allowable indirect costs are \$476; unallowable indirect costs are \$1,162. (C5006518300)

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**PURCHASE AND ADDITION TO THE FLEET – MID-SIZE SEDANS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the purchase and addition to the Maricopa County Fleet of two mid-size sedans at an estimated cost of \$36,600.

**Additional Information.** These vehicles will be purchased as replacements for two vehicles which are currently leased. The current leases on the vehicles end January 28, 2006 and February 5, 2006. The vehicles are used in the Alternative to Juvenile Secure Care activity, and assigned to the Durango Complex.

**Budgetary Details.** The vehicles will be purchased with Detention Operations Fund (255) savings within the current FY 2005-06 expenditure appropriations. Operating and maintenance costs, estimated at \$10,000, will be funded from lease savings in the Detention Operations Fund. Future replacement of the vehicles will be made from the General Government (470) Detention Operations Fund. (C2706006M00) (ADM3104)

**LEASE AMENDMENT**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an amendment to agenda item C2499006402, reflecting the change of ownership and lease changing hands.

**Additional Information.** Agenda No. C2499006402 dated October 20, 2004, approved Lease No. L7015 with Betsy A. Grandlich Trust, d.b.a. McKellips Corporate Square, Lessor, for 8,000 square feet of office and court space at 4811 E. Julep Street, Mesa, Arizona, housing the East Mesa Justice Court. Effective January 6, 2006, the office complex was sold to J3 Harmon, LLC, with correspondence c/o Cutler Commercial, 2150 E. Highland, Suite 207, Phoenix, Arizona, 85016. All terms of the lease remain the same, with only the ownership of the building and the leases changing hands. As such, this is an informational request. (C2499006403)

**LEASE TERMINATION**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize an immediate termination of Lease No. L7351 with King Family Trust and B. Gale Wilson and Carolu Wilson Partnership.

**Additional Information.** Also approve execution of all associated documents to effect the immediate termination of the lease and repayment of tenant improvement costs in the amount of \$25,254, based on a commencement date of July 1, 2004. The termination will be effective as of January 20, 2006, upon execution of the termination documents by both parties. (C5506003400)

**VEHICLE EXEMPTION**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve exemptions from markings, including the issuance of non-governmental license plates, pursuant to A.R.S. §38-538.03, for a new motor pool vehicle replacement designated for the Office of the Legal Defender.

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**Additional Information.** Also approve the Office of the Legal Defender request that replacement Vehicle No. 21615 be classified as unmarked so that it may be exempt from county decals and government plates. This vehicle, like the one being replaced, will be used primarily for felony case investigation, witness interviews, subpoena service, and crime scene investigation. The nature of these activities requires the vehicles be unmarked. (C5406002M00) (ADM3101V)

#### **GRANT FOR FLORENCE CRITTENTON GROUP HOME**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the Maricopa County Manager's Office to apply to and accept funds from the Salt River Pima-Maricopa Indian Community Gaming Funds for pass-through funds to the Florence Crittenton Group Home, in the amount of \$100,000.

**Additional Information.** Approval authorizes the Chairman of the Maricopa County Board of Supervisors to sign the grant application; approve the grant funds if awarded; approve the resolutions; and authorize the County Manager's Office to pass through the funds to the Florence Crittenton Group Home. Florence Crittenton's Health and Wellness Program serves the 150 high-risk girls, age 12-18, who reside in Florence Crittenton's therapeutic group home each year. The \$100,000 request will be paid over a two-year period to develop and implement an Employee Health Program for its staff of over 100 individuals who serve approximately 800 high-risk youth annually.

**Budgetary Details.** This action will require an appropriation adjustment to General Government Grant Fund (249), increasing the FY 2005-06 revenue and expenditure budgets by \$100,000, and the creation of a new line item in General Government (470) General Government Grant Fund (249) Miscellaneous Revenue (4712) entitled "Florence Crittenton Group Home." Maricopa County will act as the pass-through agency for Florence Crittenton and will pass-through \$50,000 in FY 2005-06 and \$50,000 in FY 2006-07. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board of Supervisors pursuant to A.R.S. §42-17105. Maricopa County will act as the pass-through agency for Florence Crittenton and will pass through the entire amount of the grant. (C2006027300)

#### **GRANT FROM EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND MOU**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the application for and acceptance of grant funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) dollars in the total amount of \$1,022,169 from the Bureau of Justice Assistance. Approve a Memorandum of Understanding (MOU) between Maricopa County and the cities of Glendale, Phoenix, Mesa, and Tempe.

**Additional Information.** This MOU is required pursuant to the grant application requirements. This MOU also includes a negotiated reallocation to Maricopa County of \$496,047. In addition, it includes \$526,122 in funds to be reallocated to the cities of Phoenix (\$359,978), Mesa (\$83,072), Glendale (\$41,536), and Tempe (\$41,536). Funds received by Maricopa County will be used to support projects in Adult Probation, County Attorney's Office, Juvenile Probation, and the Sheriff's Office. Further, grant awards are to be expended within a four year period of time, starting October 1, 2005, and ending not more than 48 months later.

**Budgetary Details.** The JAG grant does allow up to 10% of the award for costs associated with administering JAG funds, and Maricopa County Juvenile Probation Department has been designated as

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the fiscal agent for this consortium of municipalities. The allowable 10% indirect costs recovery, \$92,924.45, will not be sought by the Juvenile Probation Department for administering the grant, so that all the funding can be used to support the county departments. At the FY 2005-06 Juvenile Probation indirect cost rate, the administrative costs that will not be recovered are estimated to be \$151,838.56. Approve the waiver of indirect costs, as indicated below:

<b>Department</b>	<b>Amount to Receive</b>	<b>Indirect Cost Rate</b>	<b>Indirect Cost Amount</b>
Adult Probation	\$29,352	9.5%	\$2,788.44
County Attorney's Office	\$161,159	16.2%,	\$26,108.00
Juvenile Probation	\$131,253	26.34%,	\$34,572.04
Sheriff's Office	\$174,282	17.2%,	\$29,976.50

These indirect costs are not being sought so that all money can be used to maintain existing programs.

Also approves an increase to the revenue and expenditure budgets of the County Attorney's Grant Fund (219) revenue and expenditures by \$161,159. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, the budget law does not prohibit expenditure of these revenues. These budget adjustments do not alter the budget constraining the expenditures of local revenues duly adopted by the Board of Supervisors pursuant to A.R.S. §42-17105. (C2006028300)

#### **VEHICLE EXEMPTIONS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve exemptions from markings, including the issuance of non-governmental license plates, per A.R.S. §38-538.03, for three new motor pool vehicle replacements designated for the Public Defender Office.

**Additional Information.** The Public Defender's Office requests that replacement Vehicle Nos. 21602, 21613, and 21614 be classified as unmarked so that they may be exempt from county decals and governmental plates. These vehicles, like those being replaced, will be used primarily for felony case investigation, witness interviews, subpoena service, and crime scene investigation. The nature of these activities requires the vehicles be unmarked. (C5206005M00) (ADM3101V)

#### **CLINICAL EDUCATION**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an agreement to provide medical residents (students) the educational opportunity to work in a supervised clinical environment within the Maricopa County jail and detention facilities.

**Additional Information.** This affiliation agreement, between Correctional Health Services and Banner Good Samaritan Medical Center, is for three years and may be renewed by mutual agreement of the parties. There is no financial impact. (C2606005000)

#### **PERSONNEL AGENDAS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas with changes from the addendum, as given by the Clerk prior to the vote: Terri Leija changed to District 5 from District 4

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and Colosimo, Grace M., \$48.94 to \$51.63, Schreiber, Carol B., \$48.94 to \$51.63 and Mulleneaux, Gordon L., \$45.93 to \$48.46. Exhibits A and B will be found at the end of this set of Minutes.

**ASSESSOR MODELERS EQUIPMENT, SOFTWARE AND PERSONNEL**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to transfer funds for one-time costs for four Precision Dual Processing CPUs (\$26,000), four cubicles (\$16,000), and four SPSS Software Licenses (\$18,800). There are also four additional FTEs (Specialized Modelers) associated with this request.

**Additional Information.** The Maricopa County Assessor's Office has experienced a steady increase in total number of valuation models needed over the past five years. This has been compounded by the fact that the valuation cycle has changed back from bi-annual to annual. The increased demand, by way of the number and type of models, has outpaced the Assessor's Office ability to provide the services, given the resources in place today. In order to improve its timeliness in creating, validating and using these models, the Assessor's Office has requested this mid-year budget increase.

**Budgetary Details.** Pursuant to A.R.S. §42-17106(b), authorize the Office of Management and Budget to transfer \$60,800 from Appropriated Fund Balance (480) General Fund (100) Unreserved Contingencies (4811) to a newly created line item in Appropriated Fund Balance (480) General Fund (100) Technology Projects (4814) entitled "Assessor Modeler". These adjustments will result in a countywide net impact of zero. The personnel expenses for the four additional employees will be paid out of existing salary savings in FY 2005-06 with no appropriation adjustment needed. The annualized cost of this request will require an appropriation adjustment of \$402,844, for FY 2006-07. This will be handled in the base analysis of the Assessor's Office FY 2006-07 budget request. (C4906034800) (ADM300-003)

**CONSULTANT STUDY FOR ASSESSOR'S OFFICE**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to transfer funds for a consultant study that will assist the Assessor's Office in definition of current and desired business process flow.

**Additional Information.** This contract will produce all technical specifications, including production of the Request for Proposals, for a proposed County Mass Property Appraisal system and associated drawing program module purchase and implementation.

**Budgetary Details.** Pursuant to A.R.S. § 42-17106(b), authorize the Office of Management and Budget to transfer \$220,000, from Appropriated Fund Balance (480) General Fund (100) Reserved Items (4811) line item "Technology Projects" to a newly created line item in Appropriated Fund Balance (480) General Fund (100) Technology Projects (4814) entitled "Assessor - CAMA". These adjustments will result in a countywide net impact of zero. (C4906035800) (ADM300-003)

**GRANT FOR CLINICAL TRAINING**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve \$17,553.17 in grant funding to provide clinical training to medical students, medical residents, and current practitioners in the evaluation, diagnosis and treatment of sexually transmitted diseases.

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**Additional Information.** This grant, from the Regents of the University of California, on behalf of its San Francisco campus, a corporation of the State of California, requires the program to provide training one day a week for one trainee at a time (or 39 trainee-days for the term of the contract) and be responsible for the scheduling of this training. In addition, it assists in the organization and presentation of two one-day didactic conferences per year. The funding will pay for approximately 14% of a principal investigator, which is a Physician Assistant, and an equal portion of a Medical Assistant's time. The term of this agreement is between July 1, 2005 and March 31, 2006.

**Budgetary Details.** The Public Health Department's indirect rate is 16.67%. Grant indirect costs are reimbursable at the rate of 8%. Full indirect costs are estimated at \$2,709.36, of which \$1,300.23 is recoverable and \$1,409.13 is unrecoverable. No general funds will be used to either sustain or supplement the grant. The action calls for retroactive approval due to the delay in obtaining the documents from the grantor. (C8602044103)

#### **HIV TRANSPORTATION SERVICES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve an amendment for the provision of HIV transportation services to those affected by HIV/AIDS. The amendment of the contract increases the contract dollar amount by \$25,000, to a contract amount of \$200,076, for the contract year March 1, 2005 through February 28, 2006.

**Additional Information.** The amendment #3 to Contract C86058241 is with Area Agency on Aging, Region One, Inc. The Area Agency on Aging was a successful respondent to a Request for Proposals (MC1-329) issued by the Department of Public Health on August 9, 2001. The original contract was approved by the Board of Supervisors February 20, 2002 (C86026141) and subsequently renewed by the Board on March 5, 2003 (C86037241) and March 3, 2004 (C86048241). (C8605824103)

#### **CLINICAL EXPERTISE IN TUBERCULOSIS CLINIC**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve an agreement to allow the State Tuberculosis Control Officer to provide clinical expertise in the Maricopa County Department of Public Health's Tuberculosis Clinic.

**Additional Information.** The non-financial affiliation agreement with the Arizona Department of Health Services (ADHS) has a term of July 1, 2005 to June 30, 2010, and includes a 30-day termination clause. This agreement is non-financial and compensation to the State Tuberculosis Control Officer is provided by ADHS. No compensation is provided by the county. The county will provide medical malpractice insurance coverage for the State Tuberculosis Control Officer while working at the county. The retroactive approval is sought due to delay in receiving ADHS legal review of the agreement. (C8606019000)

#### **GRANT FOR IDENTIFYING AND REPORTING CHILD ABUSE AND NEGLECT**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and accept grant funds in the amount of \$29,653 and any subsequent amendments, for increased capacity within the dental community for identifying and reporting suspected child abuse.

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**Additional Information.** These grant funds, from St. Luke's Health Initiatives for the Prevent Abuse and Neglect through Dental Awareness (PANDA) grant, is awarded to the Maricopa County Department of Public Health, Office of Oral Health on December 16, 2005, for the contract term beginning December 16, 2005 and ending January 30, 2007. This one-year grant will provide increased capacity within the dental community for identifying and reporting suspected child abuse. The goals of this program are to implement a proven strategy to increase awareness among mandated reporters and to develop a speaker's bureau of volunteer dental professionals so the training within the dental community will be sustained. By approving this agenda item, the Board will be authorizing the Department Director (or designee) to sign all continuation applications and associated documents.

**Budgetary Details.** The Maricopa County Department of Public Health's indirect rate for FY 2005-06 is 16.67%. Indirect costs are not allowed by the grant source. Estimated unrecoverable indirect costs on this award are \$4,943. (C8606029301)

#### **GRANT FOR TOBACCO USE PREVENTION PROGRAM**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the writing of a Maricopa County Tobacco Use Prevention Program (MACTUPP) grant in the amount of \$100,000.

**Additional Information.** This grant, from the American Legacy Foundation (Legacy), will be used to pay stipends to faculty, staff and/or students; materials; and conference related expenses. Part (stipends) of the funds will be given to community colleges within the Maricopa County Community College System through an intergovernmental agreement process. The Letter of Intent for the grant is to be submitted to Legacy no later than February 15, 2006, and after the acceptance of the Letter of Intent, MACTUPP will be invited to submit a full grant proposal.

**Budgetary Details.** The Public Health Department's indirect rate is 16.67%. Grant indirect costs are reimbursable at the rate of 8%. Full indirect costs are estimated at \$15,435, of which \$7,407 is recoverable and \$8,028 is unrecoverable. MACTUPP is seeking approval to move forward with the grant process. No general funds will be used to either sustain or supplement the grant. Approve revenue and expenditures appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the grant in an amount not-to-exceed \$100,000. The appropriations adjustments are necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitations, therefore, expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8606050300)

#### **LEAD PAINT HAZARD REDUCTION PROGRAM**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) for a maximum amount of \$241,412, to provide education, blood lead testing of children and case management as part of the Lead Paint Hazard Reduction Program.

**Additional Information.** This IGA, with the City of Phoenix, is for the period January 1, 2006 through December 31, 2008. The City of Phoenix will pay the county a maximum of \$241,412 for this project. The City of Phoenix was awarded a three-year, \$3,000,000 HUD grant for removing lead-based paints

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hazards from privately-owned low-income housing and has asked the Office of Family Health to be a subcontractor.

**Budgetary Details.** The Public Health Department's indirect rate is 16.67%. Grant indirect costs are reimbursable at the rate of 10%. Full indirect costs are estimated at \$36,584.89, of which \$21,946.55 is recoverable and \$14,638.35 is unrecoverable. No general funds will be used to either sustain or supplement the grant. (C8606056200)

#### **HEALTHCARE FOR THE HOMELESS CLINIC**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a participating health provider agreement for the Maricopa County Public Health's Healthcare for the Homeless (HCH) Clinic.

**Additional Information.** This agreement, with Health Choice, shall begin upon Board of Supervisors' approval, for a period of one year with automatic one-year renewals and a 90-day termination clause. This agreement allows HCH to bill Health Choice, an Arizona Health Care Cost Containment System health plan, for reimbursable client services provided at the HCH clinic. This allows HCH, a federally grant funded program, to generate additional revenue for the program.

**Budgetary Details.** The estimated revenue amount is \$20,000 per year and may change based on the number of clients actually served. There is no cap. The Maricopa County Department of Public Health's indirect rate for FY 2005-06 is 16.67%. Indirect costs are fully recoverable. Estimated indirect costs on this contract are estimated at \$2,858. (C8606058100)

#### **NUTRITION AND SCHOOL FOOD SERVICE DIETETIC EXPERIENCE**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a non-financial affiliation agreement to provide nutrition and school food service dietetic experience for interns in the Maricopa County Department of Public Health dietetic internship.

**Additional Information.** This agreement, between Maricopa County, through its Department of Public Health, and the Washington School District, is effective the date of approval by the Board of Supervisors through June 30, 2008. This agreement is non-financial and does not affect the county general fund. (C8606059000)

#### **ADMINISTRATIVE CORRECTION**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to Intergovernmental Agreement C8606400200 with Balsz School District to make an administrative correction to the term end date from May 1, 2006 to June 30, 2006. All other terms and conditions of the original agreement are in affect. No additional funds are included in this amendment. (C8606400201)

#### **SHELTER AND SUPPORT SERVICES FOR HOMELESS INDIVIDUALS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to amend a contract to increase funding by \$45,000 (from \$180,000 to

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\$225,000) for emergency shelter and comprehensive supportive services for homeless individuals and families during FY 2005-06.

**Additional Information.** This contract, with Central Arizona Shelter Services (CASS), is effective on July 1, 2005 and shall terminate on June 30, 2006. By approving this agenda item, the Board of Supervisors will be authorizing the Human Services Department to increase the contract with the CASS program by \$45,000. (C2206086101)

### **TRANSPORTATION SERVICES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to increase funding in the amount of \$150,000, (from \$100,000 to \$250,000) for transportation services to clients.

**Additional Information.** The contract, between the Maricopa County Human Services Department Special Transportation Program and COMTRANS, Inc. remains unchanged from September 15, 2005 to June 30, 2006. Funding for this contract is provided from the Federal Job Access Reverse Commute Grant. The Human Services Department Special Transportation Services program provides transportation for low income and elderly Maricopa County residents and clients of the Department's Workforce Development, Early Head Start and Head Start Programs. There is no long-term commitment on the part of Maricopa County to operate these programs beyond the end of the specified contract period. This contract does not contain any county general funds. (C2206141101)

### **BOUNDARY FENCING AT REGIONAL PARKS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize a call for bids and award a contract to the lowest responsible bidder, if the bid does not exceed the engineer's estimate by more than 10%, to construct a fence along the north boundary of White Tank Mountain Regional Park and boundary fencing at San Tan Mountain Regional Park.

**Additional Information.** The "North Boundary Fence Project" includes construction of a barbed-wire fence along the north boundary of White Tank Mountain Regional Park. The "North Finger Fence Project" includes construction of a barbed-wire fence around parkland on the east side of San Tan Mountain Regional Park. (C3006023500)

### **DONATIONS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the acceptance of the following donations to Animal Care & Control. Donation revenue funds are deposited into Fund (573) as they are received.

- a. Robert Williford, 7611 N. 15th Avenue, Phoenix, AZ 85021 in the amount of \$498. (C7906062700) (ADM2300)
- b. Charity Hicks, 4102 E. Willow Avenue, Phoenix, AZ 85032 in the amount of \$500. (C7906063700) (ADM2300)
- c. Thomas Brennaman, 8216 N. Via De Lago, Scottsdale, AZ 85258 in the amount of \$500. (C7906064700) (ADM2300)

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- d. Donna Miller, 5240 E. University Drive, Mesa, AZ 85205 in the amount of \$1,000. (C7906065700) (ADM2300)
- e. R. K. Armistead, 1057 N. Greenfield Road, Mesa, AZ 85205 in the amount of \$600. (C7906069700) (ADM2300)

**FUNDRAISING FOR NON-MANDATED SERVICES**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an agreement for the purpose of fundraising on behalf of Maricopa County Animal Care & Control to support non-mandated services limited to low cost spay and neuter, public education and outreach efforts, pet adoption efforts, care for pets that are victims of cruelty or neglect, volunteer programs, and capital improvement projects.

**Additional Information.** This agreement, in accordance with A.R.S. §11-251.62, is between Friends of Animal Care & Control (FACC), an Arizona corporation and Maricopa County. Donations from FACC for FY 2005-06 are estimated to be \$192,665.75. The term of the agreement is for three years from the date of execution and may be renewed for an additional term of three years upon mutual written agreement of the parties.

**Budgetary Details.** Donation revenue received will be deposited to the Fund (573), Agency (791), Low Org. (7912) for future allocation. (C7906066100)

**NEW HOPE RESCUE PROGRAM**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an agreement under the New Hope Program to rescue animals that have been deemed eligible for the New Hope Program.

**Additional Information.** This agreement is with K.R. Cunningham, d.b.a. Soft Touch Animal Rescue, 8625 N. 32nd Avenue, Phoenix AZ 85051. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$27 for each animal rescued. Animal Care & Control estimates 10 New Hope rescues over the term of the agreement, for a total of \$270. The term of this agreement is from execution by the Board of Supervisors through February 15, 2007. (C7906068100)

**FUND TRANSFERS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

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**LEASE TERMINATION**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the termination of lease at 1209-1217 W. Madison in Phoenix and authorize execution of all necessary documents to effect the lease termination.

**Additional Information.** Lease No. MC10121, with the City of Phoenix as tenant in a county-owned building, has been sublet by the city to Central Arizona Shelter Services for use as a shelter for homeless persons. Central Arizona Shelter Services has moved its operation into new space at the Human Services Campus and the subject lease premises is no longer used as an operational facility by Central Arizona Shelter Services. Termination of the subject lease will eliminate the city's leasehold interest rights in the leased property and facilitate the demolition of the leased premises for further development of the Campus. (C1804008003)

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Renewal/Extension:**

**The renewal/extension of the following contracts** (This is recommended with the concurrence of the using agency and the vendor, upon satisfactory contract performance and, when appropriate, after a market survey is performed):

**Until February 28, 2008**

- 02070-RFP      Jail Surveillance System** (\$2,500,000 estimate/two years). Contract renewal to provide equipment, maintenance and support for jail surveillance systems for the Maricopa County Sheriff's Office.
- o            ASSI Security of Arizona

**OFFER OF JUDGMENT**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the filing of an Offer of Judgment which includes \$1,600,000, the county's portion of the total offer, in the matter of David Javier Rodriguez, et al. v. Joseph M. Arpaio, et al., CV 2004-001737. This item was heard in Executive Session on January 17, 2006. (C7506014100) (ADM409)

**OVERTIME WAGE PAYMENTS**

- Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following payments:
- o            \$12,309.95 in overtime wages for Vivian Ogden, and
  - o            \$14,202.47 in overtime wages and stand-by pay for Lynn Dockery

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Both employees were misclassified as FLSA exempt and therefore, were not paid for overtime hours worked. This item was discussed in Executive Session on January 17, 2006. (C4106004M00) (ADM409)

**NATIONAL INCIDENT MANAGEMENT SYSTEM**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and sign an Executive Order for the designation of the National Incident Management System (NIMS) as the basis for all incident management in Maricopa County, Arizona.

**Additional Information.** Approval of the Executive Order will comply with Homeland Security Presidential Directive 5. The President of the United States directed the Department of Homeland Security to develop and administer a National Incident Management System that would provide a consistent nationwide approach for federal, state, local and tribal governments to work more effectively and efficiently to prevent, prepare for, respond to, and recover from a domestic incident of any cause, size or complexity. This Executive Order will set NIMS as the county standard for incident response. The Maricopa County Department of Emergency Management will lead NIMS implementation throughout Maricopa County; incorporate NIMS into existing countywide training programs and exercises; and provide and coordinate technical assistance to local entities regarding NIMS to ensure countywide compliance. (C1506009000) (ADM900)

**AMENDMENTS TO FIVE-YEAR CAPITAL IMPROVEMENT PLAN**

**Item Summary.** Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize amendments to the FY 2005-06 Five-Year Capital Improvement Plan.

**Budgetary Details.**

- Amend the budget for the Downtown Consolidated Justice Court Project by increasing the total project cost by \$3,075,000, from \$32,750,000 to \$35,825,000, Function Class DCJC.
- Approve a fund transfer in the amount of \$3,075,000 from Appropriated Fund Balance, Reserve Contingency (Fund 100, Dept. 480, Org 4811) to the General Fund County Improvements Fund (445), General Government Dept. (470), Org (4713), Function Class DCJC. This action will require appropriation adjustments increasing the revenue and expenditure budgets of General Government (Dept. 470) General Fund County Improvements Fund (445) by \$3,075,000, with offsetting revenue and expenditure adjustments to Eliminations (Dept. 980, Fund 900). These actions will have a countywide impact of zero.
- Approve Change Order No. 3 to Contract C7004064800 with D.L. Withers Construction, LC, for construction of the Downtown Justice Center project, located at 600 Jackson Street, Phoenix, in the amount of \$2,898,157. Change Order No. 3 will allow for various changes needed to allow the criminal justice departments located in the Justice Center to fulfill their various missions in the most efficient manner possible. The recommended changes are within the approved project budget as amended by this agenda item. (C7006023800) (ADM800-003)

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**DONATION TO HUMAN SERVICES CAMPUS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a donation by Maricopa County of assorted used furniture to the Human Services Campus LLC, a 501(c)(3) charitable organization, responsible for governance of the campus.

**Additional Information.** Pursuant to A.R.S. §11-254.04, the Human Services Campus project constitutes economic development activity that will assist in the creation or retention of jobs or will otherwise improve or enhance the economic welfare of the inhabitants of Maricopa County. The furniture, valued at approximately \$500, will be used at the Day Resource Center. (C7006024M00) (ADM2519)

**AIR RIGHTS LICENSE**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the conveyance of a temporary, non-exclusive air rights license to 44 Monroe, LLC, an Arizona limited liability company for the movement of crane booms and loads in the air above the grantor property (Security Building & Security Center) as necessary for the construction of the project on the Grantee Property.

**Additional Information.** 44 Monroe intends to construct a condominium tower and related amenities and improvements on the grantee property, adjacent to the Security Building & Center, and has requested that grantor grant a license as described herein to grantee, its contractor, to facilitate the use and operation of a crane in connection with construction of the project. Grantor is willing to grant the requested license to grantee on the terms and conditions set forth in the license agreement. (C7006025B00) (ADM645)

**SUPERIOR COURT MASTER PLAN RESOLUTION - WITHDRAWN**

**Item Summary.** Approve a resolution supporting and adopting the recommendations from the 2004 Maricopa County Superior Court Master Plan.

**Additional Information.** This resolution is adopted to demonstrate the Board of Supervisors' commitment to moving forward with the implementation of the Court's Master Plan, which provides for improved service delivery methods for taxpayers and citizens of Maricopa County in the most cost efficient manner. The 2004 Maricopa County Superior Court Master Plan:

- o Integrates the separate buildings of the Downtown Superior Court Complex to achieve operational efficiencies and improved space utilization.
- o Co-locates superior court facilities with planned co-located justice court facilities within the regional centers to achieve increased efficiencies.
- o Provides a total of 69 new courtrooms for the five regions.
- o Reuses 131 of the existing courtrooms that are rated as adequate or marginal.
- o Consolidates all criminal felony trials and trial divisions downtown.

This resolution is to be signed by the Chairman of the Board of Supervisors and the Clerk of the Board. (C7006027M00)

This item was withdrawn.

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**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (The list is on file in the Clerk of the Board's office.) (ADM2007)

A022.005;  
A022.005B;  
A022.008 (JPP)      Project No.: Reems Road Channel and Basin Project - Permanent Channel Easement and Agreement for Flood Control Purposes - Parcel No.: 501-41-000; 501-48-004A; 501-42-000; 501-48-000 - Grantor: Maricopa County - for the sum of \$1.00.

A333.007 &  
A333.008  
(JPM)      Project No.: TT186 - Indian School Road (Litchfield Road to Dysart Road) - Warranty Deed - Parcel No.: 501-71-533G and 501-71-933R - Suncor Development Company - for the sum of \$109,655.00.

A333.007 &  
A333.008  
(JPM)      Project No.: TT186 - Indian School Road (Litchfield Road to Dysart Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 501-71-533G and 501-71-933R - Suncor Development Company.

A339.007  
(JPM)      Project No.: TE188 – R.H. Johnson Blvd. @ Stardust Blvd – Warranty Deed – Parcel No.: 232-16-869 (a portion of) – Recreation Centers of Sun City West, Inc. – for the sum of \$1,350.00.

A339.015  
(LJS)      Project No.: TE187 – Pinnacle Peak Road @ 91<sup>st</sup> Ave. (NW Corner) – Warranty Deed – Parcel No.: 201-16-298 – Camino De Oro Ranch, Inc. – for the sum of \$5,000.00.

A339.015  
(LJS)      Project No.: TE187 – Pinnacle Peak Road @ 91<sup>st</sup> Ave. (NW Corner) – Purchase Agreement and Escrow Instructions – Parcel No.: 201-16-298 – Camino De Oro Ranch, Inc.

A339.047  
(LJS)      Project No.: TT219 – Mingus Road (Box Culvert East of 26<sup>th</sup> Ave) – Easement and Agreement for Highway Purpose – Parcel No.: 202-26-038 (a portion of) – James S. Heinlein – for the sum of \$10,328.00.

A339.047  
(LJS)      Project No.: TT219 – Mingus Road (Box Culvert East of 26<sup>th</sup> Ave) – Purchase Agreement and Escrow Instructions – Parcel No.: 202-26-038 (a portion of) – James S. Heinlein.

A339.048  
(LJS)      Project No.: TT219 - Mingus Road (Culvert East of 26th Avenue) - Easement and Agreement for Highway Purposes - Parcel No.: 202-26-073 - Richard J. Krause and Carol A. Krause - for the sum of \$3,128.00.

A339.048  
(LJS)      Project No.: TT219 - Mingus Road (Culvert East of 26th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No.: 202-26-073 - Richard J. Krause and Carol A. Krause.

A339.049  
(LJS)      Project No.: TT219 - Mingus Road (Culvert East of 26th Avenue) - Easement and Agreement for Highway Purposes - Parcel No.: 202-29-073 - Lerene A. Wiley - for the sum of \$13,455.00.

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A339.049 (LJS)	Project No.: TT219 - Mingus Road (Culvert East of 26th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No.: 202-29-073 - Lerene A. Wiley.
A339.053 (LJS)	Project No.: TT219 - Mingus Road (Culvert East of 26th Avenue) - Easement and Agreement for Highway Purposes - Parcel No.: 202-26-037 - Dennis R. Freeman and Marilyn S. Freeman - for the sum of \$1,220.00.
DD-9942 (CS)	Project No.: TL008 - Right of Way Dedication (Olive and Dysart) – Warranty Deed - Parcel No.: 501-47-004W - Roger Buttrum and Erlene D. Buttrum - for the sum of \$10.00.
X-0150 & X-0151 (DWM)	Project No.: 68957 - Gilbert Road (McDowell Road to SR-87) - Settlement Agreement - Parcel No.: 141-02-001E, 001D - Cemex Construction Materials, L.P.
X-0150 & X-0151 (DWM)	Project No.: 68957 - Gilbert Road (McDowell Road to SR-87) - Temporary Right of Way Agreement - Parcel No.: 141-02-001E, 001D - Art Freeman, LLC..
N/A (HH)	Project No.: TT008 – Photo View Road (Access to Fig Spring Ranch) – Application for Right-of-Way – Arizona State Land Department

**PM 10 ROADS PROJECTS – NORTH VALLEY**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation of bids for PM10 Roads Project, Phase 3, North Valley, Work Order No. T032 (16208) and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%.

**Additional Information.** The work consists of construction services to penetrate and chip seal designated PM 10 Roads to comply with the county air quality plan to reduce creation of particulate matter. This work will provide a nominal 24 foot paved width road in order to comply with EPA mandates to reduce PM 10 (dust) pollution, and to minimize impacts to residents and existing improvements. The project will consist of a cement treated sub grade, oil application over the base course, and covered with a double application of chip seal surface. (C6406168500)

**COTTON LANE BRIDGE OVER GILA RIVER PROJECT**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract for the construction management services during the construction of the Cotton Lane Bridge over the Gila River project in an amount not-to-exceed \$2,800,825.12.

**Additional Information.** Consultant Services Contract No. CY 2005-064 is with Tristar Engineering and Management, Inc., for the construction management services during the construction of the Cotton Lane Bridge over the Gila River Project, Work Order No. T180. This project is on the Cotton Road alignment from County Route 85, south across the Gila River to the Estrella Parkway. This project consists of constructing a six-lane roadway and new bridge across the Gila River along the Cotton Road alignment between Estrella Parkway to County Route 85. The work shall include crossroad improvements, canal bridge improvements, storm drain improvements and channel construction. (Supervisory District 5) (C6406170500)

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**DYSART ROAD BRIDGE WIDENING AT COLTER CHANNEL**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation of bids for Dysart Road Bridge at Colter Channel – Bridge Widening, Work Order No. T190 and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed engineer's estimate by 10%.

**Additional Information.** This project consists of widening the bridge to match the approach roadways. This bridge was originally designed and built for seven lanes without bicycle lanes. The bridge widening will allow for the continued and safe flow of bicycle traffic on Dysart Road. (C6406172500)

**NEW TRAFFIC CONTROLS**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following new traffic controls:

- a. **State Route 303 Loop from McDowell Road to .25 miles north of McDowell Road – A 35 MPH Speed Limit Zone. (C6406173000) (F23193)**
- b. **State Route 303 Loop from .25 miles north of McDowell Road to .50 miles north of McDowell Road – A 45 MPH Speed Limit Zone. (C6406173000) (F23193)**
- c. **State Route 303 Loop from .50 miles north of McDowell Road to .25 miles south of Bell Road – A 50 MPH Speed Limit Zone. (C6406173000) (F23193)**
- d. **State Route 303 Loop from .25 miles south of Bell Road to .25 miles north of Bell Road – A 45 MPH Speed Limit Zone. (C6406173000) (F23193)**
- e. **State Route 303 Loop from .25 miles north of Bell Road to 1.75 miles north of Bell Road – A 50 MPH Speed Limit Zone. (C6406173000) (F23193)**
- f. **State Route 303 Loop from 1.75 miles north of Bell Road to 1.25 miles north of State Route 303 Loop Frontage Road – A 45 MPH Speed Limit Zone. (C6406173000) (F23193)**
- g. **State Route 303 Loop from 1.25 miles north of State Route 303 Loop Frontage Road to Hatfield Road – A 55 MPH Speed Limit Zone. (C6406173000) (F23193)**
- h. **State Route 303 Loop from Hatfield Road to .25 miles north of Hatfield Road – A 45 MPH Speed Limit Zone. (C6406173000) (F23193)**
- i. **State Route 303 Loop from .25 miles north of Hatfield Road to Happy Valley Parkway – A 35 MPH Speed Limit Zone. (C6406173000) (F23193)**
- j. **91st Avenue from 475 Feet South of Northern Avenue to Northern Avenue (west side only) – No Stopping, Standing, Parking Anytime Zone. (C6406178000) (F23193)**
- k. **Union Hills Drive from 115th Avenue to 111th Avenue (north side only) – No Stopping, Standing, Parking Anytime Zone. (C6406178000) (F23193)**

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- I. **Skylark Drive from 100 feet north of Beardsley Road to 100 feet east of Stardust Boulevard** – All Traffic to stop before entering or crossing a through street within the prescribed limits. (C6406179000) (F23193)

**TRAFFIC CONTROL CHANGES**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following traffic control changes:

- a. **Waddell Road from Litchfield Road to Dysart Road** – Approve a 45 MPH Speed Limit Zone (from a 50 MPH Speed Limit Zone). This partially rescinds the 50 MPH speed limit zone dated July 6, 1971. (C6406174000) (F23193)
- b. **Waddell Road from Citrus Road to Reems Road** – Approve a 45 MPH Speed Limit Zone (from a 55 MPH Speed Limit Zone) (This rescinds the 55 MPH speed limit zone dated July 6, 1971). (C6406174000) (F23193)
- c. **Waddell Road from 182nd Avenue to Citrus Road** – Approve a 35 MPH Speed Limit Zone (from a 45 MPH Speed Limit Zone). This rescinds the 45 MPH speed limit zone dated July 19, 1976. (C6406174000) (F23193)
- d. **Camelback Road from El Mirage Road to Cotton Lane** – Approve a 45 MPH Speed Limit Zone (from a 50 MPH Speed Limit Zone). This partially rescinds the 50 MPH. speed limit zone dated February 28, 1972 and July 26, 2000. (C6406175000) (F23193)

**MARICOPA COUNTY 85: 91<sup>ST</sup> AVENUE TO 75<sup>TH</sup> AVENUE**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the award of a contract for project design services on the MC 85: 91st Avenue to 75th Avenue, for a total sum amount of \$663,849.94, with a lump sum of \$588,849.94, for essential tasks and \$75,000.00 for optional task allowances for Post Design.

**Additional Information.** Consultant Services Contract No. 2005-070 with Carter and Burgess has a contract performance period of 730 calendar days, inclusive of all agency review time. (C6406176500)

**SALE OF EXCESS PROPERTY**

**Item Summary.** Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the sale of excess Maricopa County Department of Transportation property, sold at public auction on January 19, 2006, and authorize the Chairman to sign the escrow documents and Quit Claim Deed.

**Additional Information.** The property, sold to Triple G Farms, LLC, is known as MCDOT Parcel Number MCDOT-EX1-T1NR1WS14-EX, which is Assessor Parcel Nos. 500-40-007D, 500-40-007F and portions of 500-40-004 and 500-40-005J. This property was approved by the Board to sell on agenda item C6404098500 on November 5, 2003. (C6406177B00) (ADM2005)

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**APPOINTMENT/REAPPOINTMENT - PLANNING AND ZONING COMMISSION**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following:

- a. Re-appoint Robert Jones, representing Supervisorial District 4, whose term will be effective from February 1, 2006 through January 31, 2010. (C0606031900) (ADM3415-001)
- b. Accept the resignation of Max Porter and appoint Craig Cardon to fill the unexpired term in representing Supervisorial District 2. Mr. Cardon's term will be effective from Board of Supervisors' approval through November 6, 2009. (C0606033000) (ADM3415-001)

**SCHOOL DISTRICT #509 VOUCHER APPROVAL AND RATIFICATION; UPDATE ON OPERATIONS AND FINANCES**

Pursuant to its authority granted in A.R.S. §15-1001, motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District fund(s) for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. Also, staff may update the Board on regional schools operations and finances. The Vouchers are on file with the Maricopa County Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814)

Voucher No. 5149, in the amount of \$28,894.60, was approved.

**HEARING SET - PLANNING AND ZONING CASES**

No public hearing was scheduled on March 15, 2006 for Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County.

**ASRS CLAIMS**

No requests to authorize payment of claims was submitted by the Arizona State Retirement System at this time. (ADM3309-001)

**CANVASS OF ELECTIONS**

Pursuant to A.R.S. §16-642(B), Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts.

<b>SPECIAL DISTRICT</b>	<b>ADM #</b>
Electrical District No. 6	4469
Electrical District No. 7	4470

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**CLASSIFICATION CHANGES**

No request for changes was received at this time.. (ADM723)

**CHECK ENFORCEMENT FUND QUARTERLY REPORT**

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2005 through December 2005. (ADM404-001)

**COMPROMISES**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the requested compromises as payment in full. This item was discussed in Executive Session on January 30, 2006. (ADM407)

Hooks, Shaniqua	\$1,161.86	February 15, 2006
Martinez, Mary	\$708.14	February 15, 2006
Timm, Jared	\$14,815.97	February 15, 2006
Tung, Neeta	\$20,000.00	February 15, 2006

**DONATIONS**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the donation reports received from county departments for January 2006 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1810-001)

Public Health	\$48.00
Sheriff	\$840.00

**DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approval is requested that duplicate warrants be issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Keith Janofsky	250026355	Payroll	\$83.18
Milly Erne Doolin	260019764	Expense	\$90.00
Chad Johns	260028791	General	\$1,012.47

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**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Intraform	Phoenix Elem SD #1	460056376	\$4,879.23
Barnes & Noble Bookseller	Murphy Elem SD #21	460021731	\$390.65
BESD #33 – ADE	Buckeye Elem SD #33	460060598	\$6.00
William A Chipley	Roosevelt SD #66	160061318	\$918.03
David Rodriguez	Alhambra SD #68	160062893	\$224.54
April Retiz	Alhambra SD #68	160062926	\$247.11
Howard Pumphrey	Queen Creek SD #95	160061443	\$319.89
Anne Kelleher	Fountain Hills Unified SD #98	460068343	\$275.00
Laura Johnson	Fountain Hills Unified SD #98	460062310	\$64.73
Rhiannon Aguilera	Agua Fria Union High SD #216	460070240	\$729.00
Lisa Fuls	Treasurer	160148290	\$737.20
Horizon Medical Supply	Osborn SD #8	460040560	\$133.99
Arizona Indian Education Assoc.	Phoenix Elem SD #1	460029627	\$50.00
Arizona Psychological & Support Services #1	Phoenix Elem SD #1	460044531	\$2,777.50
Theresa A Kiel	Fountain Hills Unified SD #98	160063461	\$1,124.98
AZ Council on Economic Educaiton	Higley USD #60	450058797	\$36.00

**IMPROVEMENT DISTRICT RESOLUTION CORRECTION**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to amend the actions taken on December 17, 2003, to correct the typographical error in the Resolution for the Amended Order Establishing the Pueblo Mesa M.H.P. Phase 2 Street Lighting Improvement District. In addition, correct the Board that approves this item from the Improvement District Board of Directors to the Board of Supervisors. (C6402247701) (ADM4302)

**AMENDED ORDER ESTABLISHING  
PUEBLO MESA M.H.P. PHASE 2 STREET LIGHTING IMPROVEMENT DISTRICT**

This resolution amends the Order Establishing Pueblo Mesa M.H.P. Phase 2 Street Lighting Improvement District as approved by the Board of Supervisors on May 1, 2002, to correct the legal description of the district boundary.

**WHEREAS**, a petition was filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, praying for the establishment of Pueblo Mesa M.H.P. Phase 2 Street Lighting Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors on the 1st day of May, 2002, at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 205 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors did find that said petition was signed by the requisite number of owners of real property and further found that the public convenience, necessity and welfare was promoted by the establishment of said district.

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**THEREBY**, a formal order declaring the findings aforesaid, declaring that said district be established under the name of Pueblo Mesa M.H.P. Phase 2 Street Light Improvement District and establishing the boundaries of the aforesaid district was originally approved by the Board of Supervisors on May 1, 2002.

**NOW THEREFORE**, by this resolution, the Board of Supervisors of the herein previously established Pueblo Mesa M.H.P. Phase 2 Street Lighting Improvement District amends the previous order establishing to correct the district boundary, which legal description was found to be in error. The correct and legal boundary description of the herein previously established Pueblo Mesa M.H.P. Phase 2 Street Lighting Improvement District is as follows:

East 300 Feet of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 28, Township 1 North, Range 7 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, except, North 30 Feet & East 30 Feet thereof.

**DATED** this 15th day of February 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Lori Pacini, Deputy Clerk of the Board

**MINUTES**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held November 16, 2005, December 5, 2005 and December 7, 2005.

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated February 15, 2006, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

**SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

<b>YEAR</b>	<b>FROM</b>	<b>TO</b>	<b>AMOUNT</b>
1999	60179	60179	-\$879.56
2004	60178	60178	-\$3,036.86

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the settlement of tax cases dated February 15, 2006. (ADM704)

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**2005**  
ST 2005-000022  
TX 2004-000726

**STALE DATED WARRANTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Shannon Sims

\$101.49

**TAX ABATEMENTS**

No requests for tax abatements were received from the Treasurer's Office at this time. (ADM708)

**TRAVEL REDUCTION TASK FORCE CORRECTION**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to correct the action taken on January 4, 2006, to change the re-appointment of Mr. Gary Ewing, from representing District 5 to representing District 4. (ADM2358-001)

**WRITE-OFFS**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the write-offs of the Sheriff's Uncollectible Accounts as set forth in the list on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule in the amount of \$17,367.20. This item was discussed in Executive Session on January 30, 2006. (ADM407)

**PAYMENT OF CLAIM FOR DEPENDABLE STAFFING**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the payment of a claim for Dependable Staffing that was discussed in Executive Session on December 14, 2005, in the amount of \$25,865 on behalf of the Department of Public Health. Approve, pursuant to A.R.S. §42-17106(b), a transfer of expenditure authority of \$25,865 between General Government (470) Grant Fund (249), and Public Health (860) Public Health Fees Fund (265). Approval of these actions will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government (470) Grant Fund (249) by \$25,865, and increasing the FY 2005-06 Public Health (860) Public Health Fees Fund (265) by \$25,865. These adjustments will result in a countywide net impact of zero. Approval of this action will allow the payment of outstanding invoices. (This is Addendum item A-3) (C8606049800) (ADM409)

**CALL TO THE PUBLIC**

DeDe Barker, citizen, acknowledged yesterday's anniversary of statehood for Arizona. She spoke on transportation and Proposition 400 saying, "There is going to be a contest, obviously, between MAG's plan and the Legislature. The Board – we're looking at you to represent our constituency." She added, "We're not satisfied with the status quo." She averred that many things are going unchecked when it comes to emissions and air quality. (ADM605)

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Blue Crowley, citizen, also spoke on the transportation issue and included the light rail portion of the Transportation Plan which originally listed MetroCenter as the last stop but the map shows the end of the line is actually going to be at the Rose Mofford Sports Stadium. He said it is vital to have the rail line meeting the bus lines and this is not happening as rail is putting stops at places the bus does not go.

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Wilcox said she attended Pinal County's Transportation Summit last week and it was apparent that the two counties are merging so rapidly that it is important to work in tangent with each other. ADOT has now designated Pinal County as a separate area of study rather than grouping it with other counties and she considers this a big step for them. (ADM606)

She also referenced the news story on the \$17 million in back taxes from the Treasurer's recent land sale. She said that 13,000 tax lien parcels that have been on the books for some time have now been cleared. She recognized the work done by County Treasurer Dave Schweikert and his staff to get this completed.

Supervisor Brock spoke on the White Tank and San Tan Parks saying how difficult it is to patrol the large parks with irregular borders unless fencing has been erected. He said fence boundaries will help stop those who drive up and dump old tires, furniture and other trash in the parks and make it easier to enforce citations handed out for littering. He reported that the volunteers picked up tons of tires, appliances, refrigerators, mattresses, etc., during the last clean-up at San Tan Park.

Supervisor Wilson spoke on the evolution of Maricopa County from mostly rural to mostly urban and the trials and tribulations that many residents have gone and are going through during this rapid growth period.

Supervisor Wilcox said that a memorial service for former Governor Sam Goddard, father of Attorney General Terry Goddard, would be held at the State Capitol next Friday and asked all to remember the former governor.

Chairman Stapley said he had attended a portion of the two-day conference on the Methamphetamine crisis in Arizona as a representative for the County. He said that the Meth problem hits County Government at so many levels and that all need to work with other stakeholders in the community to wipe-out this devastating threat.

David Smith agreed and referenced a TV report had said there are 1.5 million meth addicts in America. It is the fastest growing form of drug addiction and has more serious results than any other illegal drug. He said that it is a national epidemic but Arizona is one of the hardest-hit states for use and addiction.

Supervisor Wilson asked residents to "know your neighborhood" and to note any strange vehicles or behavior they see to report later if something should occur. He said the easiest way to avoid crime is to be involved and being involved means using your eyes and ears.

**CODE ENFORCEMENT REVIEW – LEO R. LEROY    CONTINUED**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2001-00041, Leo R. Leroy. This Hearing continued from the meetings of September 18, 2002, January 8, 2003, January 22, 2003, February 5, 2003, February 19, 2003, August 27, 2003, February 16, 2005 and August 24, 2005. (Supervisory District 5) (ADM3417-013)

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This item was continued to August 16<sup>th</sup> at the request of the enforcement officer.

**CODE ENFORCEMENT REVIEW – DONALD HUTMAN CONTINUED**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2001-00718, Donald Hutman. This Hearing continued from the meetings of September 18, 2002, January 8, 2003, January 22, 2003, February 5, 2003, February 19, 2003, August 27, 2003, February 16, 2005, and August 24, 2005. (Supervisory District 5) (ADM3417-012)

This item was continued to August 16<sup>th</sup> at the request of the enforcement officer.

**PLANNING AND ZONING AGENDA**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Deputy County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

1.     **S2005-001     District 4**  
      **Applicant:**     Courtland Homes, Inc.  
      **Location:**     Southwest corner of Pinnacle Peak Road and 123rd Avenue (in the Sun City West/ Surprise area)  
      **Request:**     Final Plat in the R1-6 RUPD zoning district for Sundero (approx. 20.14 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

2.     **S2005-016     District 4**  
      **Applicant:**     DEI Professional Services on behalf of Pulte Homes  
      **Location:**     North of Deer Valley Road and west of the proposed El Mirage Road align. (in the Sun City West/ Surprise area)  
      **Request:**     Final Plat in the R1-6 RUPD zoning district for Corte Bella Country Club, Unit N (approx. 14.17 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

**REGULAR AGENDA DETAIL:**

The chairman took the following item out of order to respect the need for the applicant's representative to leave because of a medical emergency in his family.

7.     **Z2005-121     District 3**  
      **Applicant:**     Dave Gibson, Robert Kubicek Architects & Associates, Inc.  
      **Location:**     Southeast corner of Daisy Mountain Drive and Anthem Way (in the Anthem area)

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**Request:** Precise Plan of Development for a daycare center in the C-2 CUPD zoning district (approx. 1.4 acres) – Anthem Village Center – Daycare Center

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2005-121, subject to the following stipulations “a” through “h”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with the zoning exhibit entitled “Anthem Village Center New Daycare Center” – including a site plan and elevations, consisting of two (2) full-size sheets, dated revised November 21, 2005, and stamped received December 6, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Daycare Center at Anthem Village Center”, consisting of four (4) pages, revised November 22, 2005, and stamped received December 6, 2005, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled “Anthem Village Center New Daycare Center”, consisting of one (1) full-size sheet, revised October 25, 2005, and stamped received December 6, 2005, except as modified by the following stipulations.
- d. All trees shall be double-staked when installed.
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- f. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- g. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- h. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Joy Rich reported on the background of this case and said it is in concert with the Anthem DMP and there is no known opposition.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations “a” through “h.”

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3.     **CPA2005-02     District 4**  
       **Applicant:**     Stantec Consulting Inc. for Liberty National Enterprises  
       **Location:**     Southeast corner of 129th Avenue and Glendale Avenue (in the west Glendale area)  
       **Request:**     Comprehensive Plan Amendment (CPA) to change the land use designation in the White Tank/Grand Avenue Area Plan from Rural Residential (0-1 d.u./ac.) to Small Lot Residential (2-5 d.u./ac.) (approx. 55.5 ac.) – 129th Avenue and Glendale Avenue

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of CPA2005-02, subject to the following stipulations "a" through "h". Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a.     Development and use of the site shall comply with the narrative report entitled, "Narrative Report for a Single Family Residential Subdivision at the Southeast Corner of 129th Avenue and Glendale Avenue", a document consisting of two pages plus 24"x36" land use plan dated revised November 2005, except as modified by the following stipulations.
- b.     The gross density of this project shall not exceed 2.02 dwelling units per acre.
- c.     If the initial final plat for this project has not been approved within three (3) years from the date of comprehensive plan amendment approval, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Small Lot Residential (2-5 d.u./ac) designation back to the previous Rural Residential (0-1 d.u./ac) designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements.
- d.     A Certificate of Assured Water Supply must be obtained for the development prior to recordation of the final plat.
- e.     A qualified cultural resources specialist survey of the project area shall be conducted prior to the approval of any final plat. Such survey shall be forwarded to SHPO and if warranted by the survey results, SHPO may recommend further archeological testing. Further testing shall also be completed prior to approval of any final plat.
- f.     At the time of each residential building permit issuance, the developer shall provide a \$150.00 per residential unit contribution to the Maricopa County Parks and Recreation Department for the White Tank Mountain Regional Park for trails and facilities enhancement and maintenance. The county shall deposit and hold all receipts in the park's special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. Maricopa County Parks and Recreation Department will provide each residential unit in the 129 Avenue and Glendale Avenue project with a one-year, seventy-five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park, except Lake Pleasant Regional Park.

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- g. At the time of each residential building permit issuance, the developer shall provide a \$377.00 per residential unit quality of life contribution to the Maricopa County Library District for the purposes of future library service and infrastructure needs.
- h. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the "vicinity of a military airport" as described by State of Arizona statute A.R.S. 28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

Joy Rich gave the background history of this case, especially as it pertains to Luke Air Force Base density plan, which it is in compliance with. She said it is in the Glendale general planning area and does comply with their general plan.

**RESOLUTION OF AMENDMENT  
Eye to the Future 2020, Maricopa County Comprehensive Plan  
Resolution Amending the Maricopa County Comprehensive Plan**

**BE IT RESOLVED** by the Maricopa County Board of Supervisors as follows:

**WHEREAS**, Maricopa County adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes to help bring about coordinated physical development consistent with the present and future needs of Maricopa County; and

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**WHEREAS**, Eye to the Future 2020, the Maricopa County Comprehensive Plan, recognizes the importance of having a comprehensive plan amendment process so that this plan can be responsive and flexible to meet the changing conditions of Maricopa County; and

**WHEREAS**, Maricopa County has an approved process where specific criteria is used to determine when comprehensive plan amendments are necessary, how comprehensive plan amendments are to be processed, and at what point comprehensive plan amendments can be presented at a public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission; and

**WHEREAS**, Case number CPA 200502 meets the requirements for a comprehensive plan amendment and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all legal notification requirements; and

**WHEREAS**, Title 11, Section 824 of the Arizona Revised Statutes requires that amendments to the Comprehensive Plan be approved by resolution of the Board of Supervisors; and

**WHEREAS**, the Maricopa County Board of Supervisors has carefully considered this comprehensive plan amendment application, has held a public hearing regarding this comprehensive plan amendment application, and finds that this comprehensive plan amendment constitutes an overall improvement to the Maricopa County Comprehensive Plan and to Maricopa County in general.

**NOW, THEREFORE BE IT RESOLVED** that the comprehensive plan amendment application for case number CPA 200502, is hereby approved this 15<sup>th</sup> day of February 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "h."

- 4.      Z2005-085      District 4**  
**Applicant:**      Infranext for Recreation Centers of Sun City AZ  
**Location:**      North of the northwest corner of 107th Avenue and Claire Drive (in the Sun City area)  
**Request:**      Special Use Permit (SUP) for a wireless communication facility in the R-3 RUPD SC zoning district, and in Wireless Communication Facility Use District 1 (approx. 0.018 acres) – Cingular Wireless

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-085, subject to the following stipulations "a" through "i". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 8-0.

- a.      Development of the site shall comply with the site plan entitled "Cingular Wireless N 107th Ave. /E Claire Dr.", consisting of six (6) sheets, dated (revised) December 29, 2005 and stamped received, December 29, 2005, except as modified by the following stipulations.
- b.      Development of the site shall be in conformance with the narrative & entitled "North 107th Avenue/ West Clair Dr., consisting of six (6) pages, dated, November 17, 2005,

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and stamped received, December 7, 2005, except as modified by the following stipulations.

- c. The height of the wireless communication facility shall be limited to 54'.
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- g. An Administrative Amendment shall be required to co-locate future carriers on the monopalm.
- h. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- i. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- j. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- l. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

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Joy Rich reported on background information for this case.

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "l."

- 5. Z2005-106 District 4**  
**Applicant:** Talas Homes for Leporidae Investments  
**Location:** Southwest corner of 311th Avenue and McDowell Road (in the Tonopah/Buckeye area)  
**Request:** Rezone from Rural-43 to R1-35 RUPD (approx. 70.5 acres) – Montana Vista Rezone

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-106, subject to the following stipulations "a" through "m". Commissioner Harris seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the zoning exhibit entitled "Preliminary Plat/Zoning Exhibit for Montana Vista", consisting of two (2) sheets, dated (revised) January 3, 2006, and stamped received January 4, 2006, except as modified by the following stipulations. Within 30 days of Board of Supervisors approval, the applicant shall provide a revised zoning exhibit/ plat with the following RUPD chart:

<b>Development Standard</b>	<b>R1-35 Requirement</b>	<b>Proposed R1-35 RUPD Standard</b>
Building Height	30 feet (2 stories)	30 feet (2 stories)
<u>Setbacks</u>		
Front	40 feet	40 feet ***
Rear	40 feet	40 feet
Side	20 feet	20 feet
Street-Side Yard	20 feet	20 feet
Lot Coverage	20%	20%
Lot Area (minimum)	35,000 Sq. Ft.	35,000 Sq. Ft.
Parking Spaces	2	2
Lot Width*	145 Feet	145 Feet
Lot Area per Dwelling Unit**	35,000 Sq. Ft.	48,000 Sq. Ft.
Distance between Buildings	15 Feet	15 Feet
Maximum Wall Height (including retaining wall)	6 Feet	9 feet****
Maximum Sign SF	32 Sq. Ft.	32 Sq. Ft.

\* Lot Width is measured at front setback

\*\*Lot area per dwelling unit total area of lots and open spaces, excluding all public and private streets, divided by the total number of lots

\*\*\* Lots 6-12 only will have 30' front yard setback

\*\*\*\*Perimeter lot/subdivision walls within the required setbacks may observe a max. 9' height to include 6' of privacy/view fence on top of a max. 3' retention.

- b. Development of the site shall be in conformance with the narrative report entitled "Narrative Report for Montana Vista", consisting of thirteen (13) pages, dated (revised) December 14, 2005, and stamped received January 4, 2006, except as modified by the

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following stipulations. Within 30 days of Board of Supervisors approval, the applicant shall provide a revised Narrative Report with an amended RUPD chart as reflected in stipulation "a".

- c. All trees shall be double-staked when installed.
- d. A continuous parapet shall screen all roof-mounted equipment.
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- f. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
  - Provide a total half-width 40' right-of-way for 311th Avenue.
  - Provide a total half-width of 55 feet of right-of-way on McDowell Road.
  - Construct ultimate half-width improvements (rural cross section) on 311th Avenue, from McDowell Road to Roosevelt Street.
  - In lieu of McDowell Road Improvements, improve the existing dip section wash crossing on Roosevelt Street located approximately midway between 307th Avenue and 311th Avenue to convey the 100-year storm with a minimum 6 inches of water overtopping the roadway.
  - Provide paved, all weather access (via Roosevelt Street) to the site.
- g. All interior streets within the proposed development are to be constructed to minimum County standards.
- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to final plat approval the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. Prior to final plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a

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new Citizen Participation Process as determined by the Planning and Development Department.

- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Joy Rich reported on this rezoning request. She indicated that the Town of Buckeye did not respond to their request for comment, and the recommendation was for approval.

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "m."

- 6.      Z2005-113      District 4**  
**Applicant:**      CMX, LLC for Maricopa Water District  
**Location:**      East of the northeast corner of Olive Avenue and Citrus Road (in the west Glendale/Surprise area)  
**Request:**      Modification of Stipulation 'k' and 'h' of Z2003-003, and stipulation "a" of Z2005-027 (approx. 220 acres) – Zanjero Pass

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-113, subject to the following stipulations "a" through "w". Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall be in substantial conformance with the Amended approved site plan (Z2005-027) entitled "Revised Rezoning Map & Residential Unit Plan of Development for Amended Zanjero Pass", consisting of one (1) full-size sheet, dated, April 19, 2005, and stamped received April 20, 2005, approved by the BOS 5/2/05, except as modified by the following stipulations.
- b. Development of the site shall be in substantial conformance with the narrative report entitled "Zanjero Pass, PAD Overlay, RUPD Zoning Request", spiral-bound document consisting of 83 pages, dated revised April 23, 2003, and stamped received April 23, 2003, except as modified by the following stipulations.
- c. The entire site shall be subject to a Planned Area Development (PAD) Overlay Zone. Zoning district boundary lines shall be reflected on the subdivision plats.
- d. The zoning for Zanjero Pass shall expire in five (5) years from the original date of approval by the Board of Supervisors (October 22, 2003) if a final subdivision plat has not been approved. A request for extension must be received at least six months prior to the expiration date.
- e. Zanjero Pass shall have a maximum of 193 dwelling units.
- f. The open space shall include the provision of at least three "mini-parks". Each mini-park shall be at least three acres and be equipped with a tot lot, picnic ramadas, and

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playground equipment. Two of these mini parks will be designed to accommodate either a practice soccer field or practice baseball field. These fields will not be lighted for organized night time play. Pedestrian walkways will be provided to all parks.

- g. In addition to the open space of "f" above, the applicant shall provide a 10' landscaped tract along Cheryl Drive outside the exterior perimeter wall of Zanjero Pass. The tract shall include one tree for every 40' lineal feet and three shrubs for every one tree planted in the tract.
- h. The following modified Department of Transportation stipulations shall apply to development of Zanjero Pass:
  1. The Applicant shall provide a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to the first Final Plat approval and with each development phase to reflect current conditions and any changes to the development plan. The development must comply with all recommendations in the MCDOT-approved TIS.
  2. The Applicant shall provide the following total half-width right-of-way dedications, (where adjacent to the project):
    - 70 Feet on Olive Avenue
    - 65 feet on Citrus Road
    - 40 feet on 175th Avenue
    - 30 feet on 173rd Avenue
    - 25 feet on Cheryl Drive
  3. The applicant shall construct the ultimate half-street improvements on those roadways identified above, where adjacent to the site.
  4. The Applicant shall construct capacity improvements on the portion of Olive Avenue, from approximately 177th Ave to 175th Avenue. Only capacity improvements; not ultimate improvements, are required for this portion of Olive Avenue. The Applicant shall provide a financial assurance at the time of first Final Plat approval to guarantee construction of these offsite improvements.
  5. The Applicant shall design all roadways and public infrastructure to meet county standards in effect at the time improvements are constructed.
  6. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
  7. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
  8. The Applicant shall provide an underground conduit system (or comparable technology as approved by MCDOT) within the rights-of-way throughout the development to integrate future traffic signals and ITS uses.

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9. The Applicant shall provide bike lanes on all arterial and major collector alignments. A bicycle circulation plan shall be provided and approved by MCDOT with each phase of development.
  10. The Applicant shall design the project to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.).
  11. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority must be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
  12. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association) shall be responsible for maintenance of landscaping within public rights-of-way.
  13. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT prior to commencing construction.
  14. The Applicant shall comply with all applicable local, state and federal requirements (dust control, AZPDES, etc.).
- i. Prior to or concurrent with the submittal of a preliminary plat for any portion or phase of this development, a preliminary landscape plan is to be submitted. Landscaping in common areas shall largely limit turf areas to active recreational areas. Turf shall consist only of non-evasive grass species. Passive recreational areas and all other common open space and landscape areas shall use only plants listed on the Phoenix Active Management Area Low Water Use Plant List. An emphasis shall be placed on indigenous plant species for all common open space and landscape areas. Landscaping within public right-of-way shall comply with Chapter 9 of the MCDOT Roadway Design Manual.
  - j. Prior to preliminary plat approval, the applicant shall submit a drainage report for the entire site to the Drainage Review Division of Planning and Development, including existing and future proposed off-site runoff peak flows, and subsidence as they might affect the site.
  - k. All outdoor lighting shall conform to Section 1112 of the Maricopa County Zoning Ordinance.
  - l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the Rural/Metro Fire Department.

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- m. A note shall be placed on the Final Plat stating:

"You are buying a home or property in the vicinity of a military airport as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by state law. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights a day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

Such notice shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- n. All habitable buildings constructed within this subdivision shall be constructed to attain noise reduction as per ARS § 28-8482(B).
- o. All plats will contain a note that no further lot splits will be permitted.
- p. The Final Plat will identify the recreational tracts and include the approved amenity plan.
- q. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- r. Prior to Final Plat approval, a quality of life assessment of \$377 per housing unit shall be provided to the Maricopa County Library District.
- s. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

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- t. Major changes to the RUPD plan (site plan and narrative report) shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- u. Noncompliance with the RUPD Plan (revised site plan (Z2005-027) and narrative report (Z2003-003) and the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action for revocation of zoning approval in accordance with The Maricopa County Zoning Ordinance.
- v. Prior to Final Plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be prominently displayed in the sales office, in the covenants, conditions and restrictions (CC&Rs), and in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification can include such results.
- w. Prior to Final Plat approval a State of Arizona, Individual Aquifer Protection Permit shall be obtained from the Arizona Department of Environmental Quality (ADEQ) or a determination of non-applicability shall be obtained from ADEQ. The permit or the result of the determination shall be provided to the Maricopa County Environmental Services Department (MCESD) to the administrative satisfaction of MCESD.

Joy Rich reported on several stipulation modifications for this case that have been approved by the Planning Commission. The stipulation changes were because the applicant reduced the density level in the project.

Dave McGuire, representing the applicant, voiced a concern on stipulation "w" that was added by the Planning Commission regarding the ADEQ. He said that this stipulation would require them to get an Aquifer Protection Permit, something that had not been required for this type of a project previously. He said a representative of the ADEQ had reported to him earlier that this permit does not apply to residential subdivisions. He added that a delay to get this ADEQ verification could result in their losing necessary escrow. He explained that if this was actually an ADEQ requirement they would have to meet it at the state level regardless of the County's insertion of a stipulation. He asked the Board to remove stipulation "w" for these reasons.

Supervisor Wilson agreed but voiced concern about the units' having septic tanks with so much growth going on in that area, believing that septic tanks are never a good solution in the long run. Mr. McGuire replied that ADEQ was looking into this matter but his understanding was that their density of one dwelling unit per acre would not constitute a problem for the aquifer.

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Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "v" and removal of stipulation "w."

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

\_\_\_\_\_  
Don Stapley, Chairman of the Board

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board